

CONGRESS AND FLOOD CONTROL



FEbruary 1928

Congress and the Mississippi Flood Problem

The Mississippi Flood of 1927

Relief Activities of American Red Cross

Review of Federal Flood Control Legislation

The President's Analysis of Present Problem

The Various Proposals Before Congress

Should States of Mississippi Flood Area
Share Costs of Flood Control Program?

Pro & Con
Arguments

Regular Departments



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The Congressional Digest

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The Congressional Digest

Foreword

GIn order to give complete information in a condensed form the Congressional Digest follows a definite pattern each month in presenting the question discussed in the Pro and Con department. This question is selected from the leading issues before Congress and is offered without editorial comment. The pattern, which is subject to slight variation from month to month, is designed to throw as much light as possible on the subject:

- First.* By considering it in connection with the United States Constitution.
- Second.* By relating its legislative history briefly and chronologically.
- Third.* By giving its status in Congress and a digest of legislation affecting it.
- Fourth.* By presenting a parallel group of pro and con arguments on the issue.
- Fifth.* By arranging the articles in consecutive order and using only official information.

GThis method insures a ready grasp of a difficult subject in less than an hour's reading and equips the reader with first-hand facts and arguments, which enable him not only to make his own decisions about these important questions, but to participate in an intelligent way in the most sophisticated conversation on topics of the day.

—*The Editors.*

February - 1928
Volume 7 - Number 2

How a Law Is Made

A Glimpse Into Uncle Sam's Legislative Mill

By the Eminent Authority
Honorable William Tyler Page

Clerk of the House of Representatives of the United States Congress

The Measure Is Introduced and Referred

THE process* followed when a measure is introduced in the House may be briefly described. The bill is first dropped, let us say, by Mr. X into a basket on the clerk's desk known as "The hopper." The Speaker's clerk goes through the batch of new bills, and assigns the X bill to the committee having jurisdiction. The bill is numbered and proper records are made of its introduction and the bill is sent to the Government Printing Office, where a number of copies of it are struck off. The copies are deposited in the Document Room of the House, where they are procurable by the members.

Is Considered in Committee

THE committee considers the bill at one of its periodic meetings and decides either to report it in its original form or to report it with amendments. Sometimes extensive hearings on the bill are accorded its friends and opponents. Let us assume that the committee approves the X bill either with or without amendments. It is then reported to the House by the committee, with a recommendation that it be passed.

Takes Its Place on the Calendar

THE Clerk receives it and refers it and the report to the Calendar. If it is a public bill, involving a charge of money or property, it is referred to the Calendar of the Committee of the Whole House on the State of the Union. If it is merely a public bill, it goes to the House Calendar, and if a private bill to the Private Calendar. More records of it are now made, and if it has been amended in committee, another batch of copies is printed, carrying the Calendar number and showing the proposed amendments.

Is Taken Up for Consideration

NUMEROUS are the ways provided by the House rules for taking up a bill, once it is on a Calendar, depending upon its nature, whether privileged or not. It may be taken up by unanimous consent, may be called up on Calendar Wednesday by direction of the committee reporting it, may be passed under suspension of the rules, may come up on certain days if it is a private bill, or may take precedence over other bills if it is an appropriation or revenue bill. And if in the view of the Rules Committee the bill deserves prompt and special consideration that committee may bring in a rule for its immediate consideration and prescribe the terms under which it may be considered, overriding all rules save the rule for a motion to recommit.

May Be Debated

ORDINARILY the duration of the debate is determined by the importance of the measure. The discussion is generally opened by the chairman of the committee in charge and unless a specified time has been set for debate, it is ended by a motion for the "previous question."

*Practically the same process is followed when the measure originates in the Senate.

Is Sent to the Senate

THE X bill being passed, that fact is certified by the Clerk of the House, and the certified copy is carried by him to the Senate, where, after certain formalities, it is received by the Vice-President and by him referred to the Senate committee having jurisdiction of the subject matter. Here it undergoes another process of examination.

Is Considered in the Senate Committee

THE Senate committee, in turn, is at liberty to shelve or "pigeonhole" it, to approve as it stands, or to make amendments of its own. If approved or amended the X bill is reported in due time to the Senate.

May be Returned to the House

IF passed by that body, it is returned to the House. If the bill has been amended by the Senate and the House accepts the amendment, that ends the matter and the bill is signed by the Speaker and the Vice-President and is presented by the Committee on Enrolled Bills to the President for his approval or rejection, as the case may be.

May Go to Conference

BUT if, on the other hand, the House disagrees to the Senate amendments, the Senate is so informed and if it still insists upon its amendments, each branch appoints representatives to a joint conference committee, which is charged with the duty of compromising the differences between the two bills. The committee nearly always reaches an agreement, and its report is almost invariably confirmed by the vote of the two branches.

Exceptions

THIS is an outline of the progress of an ordinary measure to final adoption. In the case of bills of major importance, as, for example, a general tariff bill, not only the House Ways and Means Committee, to which such legislation is referred, but the Senate Finance Committee, which exercises a corresponding function for the upper branch, holds public hearings for the discussion of the legislation in hand. It sometimes happens that the Senate and House committees are far apart in their final conclusions as to the details of grave measures, and in such cases a heavy responsibility is intrusted to the conference committee. More and more, in both Houses, the powers of conference committees are being curtailed.

Conclusions

THE X bill has a happy fate, compared with the great mass of bills submitted. Much of the time of the committees is given to the rejection of bills, and the committee rooms are, as has been intimated, the graveyards of a very heavy percentage of the Congress offerings. But once a bill escapes from the committee into the House it is disposed of with clock-like precision.—*Reprinted by request.*

LEGISLATIVE DEPARTMENT

THE PRO AND CON FEATURE—ACTION BY HOUSE AND SENATE—LEGISLATIVE NEWS ITEMS

THE PRO AND CON FEATURE:

Congress and Mississippi Flood Control

The Mississippi Flood of 1927
A Review of the Flood Relief Work
Federal Flood Control Legislation

President Coolidge Analyzes Problem
Flood Control Plans Before Congress
Should States Share Flood Control Costs?

The Mississippi Flood of 1927

<i>Damage</i>	<i>Relief</i>
Amount of damage (estimated by Red Cross) \$300,000,000	Spent by U. S. Government for relief work.... \$7,500,000
States affected—Illinois, Kentucky, Tennessee, Missouri, Oklahoma, Arkansas, Mississippi, Louisiana.	Spent by State and local interests..... 10,000,000
Territory overflowed (sq. mi.)..... 20,000	Spent by Red Cross (public contributions).... 17,300,000
Greatest width of flood (miles)	<i>Control</i>
Lives lost	Estimated cost of Initial Flood Control Program:
Livestock (head)..... 225,000	Mississippi River Commission..... \$775,000,000
Poultry	Chief of Engineers..... 296,400,000

Steps Taken by the Federal Government for Mississippi Flood Relief

HE work of the Federal Government for relief of the sufferers from the Mississippi River Floods of the spring of 1927 began on April 22, when the President appointed a committee of five cabinet members to cooperate with the Red Cross and other relief organizations. The members of this Committee were the Secretaries of the Treasury, War, Navy, Agriculture and Commerce. Secretary of Commerce Hoover was made chairman of the committee and immediately left for the flooded area where he was joined from time to time by other members of the Committee.

Federal Funds Used for Flood Relief

In addition to many indirect aids in the form of supplies and services from the various departments, the Federal Government spent \$7,000,000 in relief work in the Mississippi flood area. Of this sum \$5,000,000 came from funds in the hands of the Mississippi River Commission and \$2,000,000 from the Secretary of War, who was authorized by the President to divert that amount from the funds in his possession for river and harbor work. These funds were restored by an item of \$7,000,000 carried in the first deficiency appropriation bill of 1928, approved December 22, 1927.

How Funds Were Secured

Representative Martin B. Madden, Illinois, R., Chairman of the House Committee on Appropriations, in a statement to that Committee on November 28, 1927, during the preparation of the first deficiency bill, explained the use of these funds. At the time of the flood, Mr. Madden stated,

the Mississippi River Commission had \$5,000,000 on hand, \$3,100,000 of which could be expended to repair breaks in the levees, and the remaining \$1,900,000 it would like to spend if given authorization to do so.

The President, the Secretary of War and the Director of the Budget wanted to obtain additional sums from other funds in the hands of the Government to be used in flood relief work, and asked the Comptroller General for a ruling as to their authority to do so. He ruled that it would be a violation of the law.

President Coolidge then directed General Lord, Director of the Budget, to confer with Mr. Madden as to what might be done to meet the emergency. Mr. Madden wrote to the President declaring his willingness to share the responsibility for using funds for the emergency that Congress had appropriated for another purpose and his willingness to hold himself responsible to provide funds when Congress met. It was upon this understanding that the \$7,000,000 was used.

Additional Funds from Late Congress

A bill (S. 672) appropriating \$500,000 to carry on the work of county agricultural extension work agents was passed by the Senate on January 11 and by the House on January 16. The major portion of the salaries of these agents is paid from county funds, but owing to the depleted condition of the county funds throughout the flood area, as explained to the Senate by Senator Robinson, Arkansas, D., the counties are now unable to pay their share. The bill was endorsed by the U. S. Department of Agriculture.

Review of Red Cross Relief Activities in Mississippi Flood Area

by John Barton Payne, Chairman, American Red Cross



N August, 1926, Nature began setting the stage for the great flood of 1927 in the Mississippi Valley. In mid-summer of 1926 general rains set in over portions of the central drainage basin, and by the end of August the soil over a great part of the area was well saturated. In September and October of 1926 floods appeared in many sections. In the Neosha Valley of Kansas and in the lower Illinois Valley they were the greatest and most disastrous on record for those sections. Through the winter heavy rains continued, causing periodic floods in many sections and adding to the series of circumstances which culminated in the unprecedented disaster of the following Spring.

Extent of the Flood

Serious breaks in the protection levees along the Mississippi River and its tributaries occurred at 145 places. Nearly 20,000 square miles of the Valley were inundated, 6,000 square miles of which were under cultivation. From Cairo, Illinois, to the Gulf of Mexico, a distance of a thousand miles, the land was under water, the width of the flood area reaching 80 miles in some places. The States affected were Kentucky, Tennessee, Missouri, Arkansas, Illinois, Mississippi, Louisiana and Oklahoma.

Amount of Damage

An incomplete compilation by the United States Weather Bureau of property damage, based in many instances on estimates, places it at \$284,117,631. It is believed by other authorities that it will exceed \$300,000,000 when complete information is available. The loss of life was relatively small, drownings totaling only 246.

Throughout the flood area buildings were destroyed or damaged, live stock was drowned, farm implements were lost, crops washed away, and the land was left unsuitable for re-planting for weeks in some sections and for months in others.

Although more than 200,000 head of live stock and much poultry were rescued by the relief organization and later returned to their owners, losses from this source were heavy. Incomplete information available at this time places the live stock losses in excess of 225,000, while poultry losses exceed 1,276,000.

In addition to the necessity for relief arising from these conditions there were many unusual and difficult problems precipitated by the disaster. In one instance it was necessary for the Red Cross to move a town to the bluffs above the river after the town site had been made unsafe by the flood. In another case the Red Cross assisted in excavating a town which had been buried in sand and mud to a depth, in some places, of eight feet.

The Relief Fund

On April 15, 1927, the Red Cross had 25,000 flood sufferers under its care. By April 22 this number had grown to 75,000, and was rapidly increasing. Sensing the enormity of the growing disaster, measures were taken to meet the needs as they developed. On April 22 President Coolidge appointed a special Cabinet committee to co-operate with the relief organization, with Secretary of Commerce Herbert Hoover as chairman. The other members were the Secretaries of War, the Navy, the Treasury and Agriculture. By Presidential proclamation an appeal was made the same day for a Red Cross relief fund of \$5,000,000. This was over-subscribed in less than ten days, the fund on December 31, 1927, totaling \$17,317,684.92.

In addition to this relief fund the Red Cross received co-operation in the form of supplies and service from the United States Government, State and local governments, railroads, and other public utilities corporations, the value of which cannot be estimated. One railroad alone donated \$437,400 in service.

Supervision of Relief Work

Secretary Hoover and Vice-Chairman James L. Fieser, of the Red Cross, left Washington April 22 for the flood area to supervise relief work. They remained until the emergency had abated, making thereafter periodic visits to the area. In all they spent seventeen weeks in the flood zone, personally administering the huge relief and reconstruction program.

Description of Relief Work

The rescue fleet hurriedly assembled included more than 1,000 power boats and literally thousands of small auxiliary craft. With this fleet more than 300,000 persons were rescued from house tops, levees, and other points of temporary safety and transported to the 149 refugee camps established by the Red Cross. There they were supplied with clothing, food, medical attention and shelter. At one time the organization was serving more than a million meals a day, since, in addition to those in the refugee camps, there were several hundred thousand others being fed and clothed in the second stories of their homes and in schools, churches and other public buildings. More than 607,000 persons were fed and cared for by the American Red Cross during this emergency period.

Although reconstruction work has been in progress for months, recurring floods in some sections have necessitated a continuance of emergency relief. On January 9, 1928, the relief organization was still feeding 20,374 persons, divided among the States as follows: Arkansas, 589; Louisiana, 14,641; Mississippi, 5,119; and Tennessee, 25.

The Health Work

As is customary in all disaster relief programs the health work of the American Red Cross was of supplementary nature, the responsibility remaining with the State boards of health and the United States Public Health Service. Red Cross participation consisted for the most part in furnishing personnel and supplies and acting as a co-ordinating agency for the work. The organization has expended more than \$600,000 in disease prevention work.

The Reconstruction Program

The purpose of the American Red Cross reconstruction program in the Mississippi Valley is to extend to each family needing help sufficient aid which, when supplemented by its own resources, will assist the family in regaining its former basis of living. While emergency relief looks only to the immediate needs of the sufferers, the reconstruction program aims to provide the basic needs of the family so that it may get back on its feet and recover from the disaster.

While reconstruction needs of families differ in various localities, the main items being supplied by the relief organization are: food, feed for livestock and poultry, clothing, medical aid, seed, household furnishings, building and repairs, and farm implements.

On January 9, 1928, reconstruction aid of this character had been supplied to approximately 565,000 persons. These were in the following States: Arkansas, 189,435; Illinois, 6,925; Kentucky, 1,170; Louisiana, 186,965; Mississippi, 148,710; Missouri, 16,895, and Tennessee, 15,240.

With seed supplied by the Red Cross a total of 1,656,733 acres had been replanted. This acreage was divided among the States as follows: Arkansas, 461,435; Illinois, 50,174; Kentucky, 5,560; Louisiana, 447,424; Mississippi, 528,075; Missouri, 145,965, and Tennessee, 18,000.

Administration lines for carrying on this huge reconstruction program are from National Headquarters in Washington, D. C., through the State Relief Headquarters, down to the local chapters of the American Red Cross in the affected counties. The actual relief is being extended by the local chapters through funds supplied them, with the supervision, advice and help of trained personnel from National Headquarters.

As the huge reconstruction program of the Red Cross draws nearer to completion, economic, agricultural and social conditions in the Valley are progressing rapidly toward the normal. As a herald of returning prosperity, one county in Louisiana expects to ship soon to northern markets more than a thousand carloads of vegetables raised from seed supplied by the relief organization. With a reasonably good spring season this progress is expected to take on added momentum, and the Red Cross will be able practically to close its flood relief work by April 1, 1928. This will be approximately one year after the disaster assumed major proportions.

The Work This Winter

As a result of recurring floods, and also because there are many persons in the valley who have not yet been able to assume this responsibility for themselves, the Red Cross will feed approximately 100,000 persons this winter. While it is not expected that this number will have to be cared for through the entire season, it is believed that at least that many will be under the organization's care at the "peak load."

Work Completed

On January 9, 1928, the Red Cross had practically completed all relief work in 68 counties and was continuing this work in 54 counties. Work has been completed in Oklahoma and Tennessee and is continuing in 27 counties in Louisiana, 13 in Arkansas, 8 in Mississippi, 4 in Missouri and 1 each in Illinois and Kentucky.

Steps have been taken to insure a continuance of the relief work as long as the need exists. Although the bulk of the work is expected to be completed in the early spring, some operations will have to be continued in many localities for a period of another year. To carry on this work, and to complete the details incident to the final cessation of all relief operations in the valley, the American Red Cross is supplying executive secretaries for about 25 Red Cross chapters in that number of counties where the need is greatest. On January 9, 1928, these secretaries had been placed in 16 chapters. The remaining nine will be supplied within the next few weeks. Practically all of them will be trained and experienced disaster workers, and from the relief fund they will extend aid to those still needing it through the chapters they represent.

I give below the financial statement covering the Red Cross work in the Mississippi Flood Area up to the present:

Financial Statement as of December 31, 1927

Total collections.....	\$17,317,684.92
Expenditure and definite commitments:	
EXPENDITURES:	
Rescue work, transportation of refugees and equipment for relief camps	\$1,189,657.31
Food, clothing and maintenance for disaster sufferers.....	4,621,165.90
Feed for live stock.....	1,804,523.55
Medical and nursing service and sanitation	615,580.32
Seed	1,820,003.58
Household furnishings.....	620,531.00
Building and repairs.....	990,829.92
Live stock and poultry.....	171,850.77
Service relief.....	710,483.61
Other relief expenditures, including \$246,806.34 expended for Oklahoma Flood, Eastern Arkansas and Missouri Tornado and Eastern Kentucky flood financed from this fund.....	329,943.95
COMMITMENTS:	
Advances to local Red Cross Chapters for expenditures in relief work, for which detailed accounting will be submitted under the above classifications....	1,190,468.69
Commitments definitely allocated to localities for reconstruction work, such as repairs to houses, household furnishings and live stock, for which detailed accounting will be submitted under the above classifications	3,193,185.46
Total expenditures and commitments.....	\$17,258,224.06
Balance as of December 31, 1927, all of which will be used for completion of relief	59,460.86
	\$17,317,684.92

A Brief Chronology of What Congress Has Done Since 1824 To Control the Floods of the Mississippi

With Reference to Manner of Financing Previous Flood Control Projects

Improving Mississippi River for Navigation

1824—The first act of Congress authorizing work for improving the Mississippi River for purposes of navigation was passed on May 24, 1824. This and many similar subsequent appropriations were to be expended under the direction of the Chief of Engineers, U. S. Army.*

Swamp Land Act

1850—The widespread floods of 1849 and 1850 aroused national interest in the protection of lands against overflow waters of the Mississippi. On September 28, 1850, the Federal Government granted to the several States all unsold swamp lands and overflowed lands which were to be sold and their proceeds used to protect the flooded districts against overflow.

In pursuance of this Act Louisiana, Mississippi, Arkansas and Missouri organized offices for the sale of these swamp lands and appointed Commissioners for the location and construction of levees.

The Humphreys Survey

1850—Congress also appropriated \$50,000 "for a topographical and hydrographical survey of the delta of the Mississippi with such investigations as may lead to determine the most practical plan for securing it from inundation." The work was placed in charge of Captain A. A. Humphreys, Chief of Engineers, U. S. Army.

1861—Captain Humphreys submitted his final report of the survey in 1861. He discussed plans for protection, a system of cut-offs, diversion of tributaries, reservoir systems and a system of outlets as alternatives for levees.

His report concluded "that no advantage could be derived from directing tributaries or constructing reservoirs; that the plan of cut-offs and new or enlarged outlets to the Gulf were too costly and too dangerous to be attempted, and that levees could be relied upon for protecting all the alluvial bottom lands liable to inundation below Cape Girardeau.†

Relief for Flood Sufferers

1874—On April 23, 1874, and May 13, 1874, Congress passed an Act ordering the use of food and army clothing for Mississippi flood sufferers and also appropriated \$190,000 for further relief.‡

* Special Report, Mississippi River Commission, Nov. 28, 1927, p. 17.

† From a paper by Colonel Kutz, Member of Mississippi River Commission, read at meeting of American Society of Civil Engineers, Oct. 13, 1927.

‡ From a manuscript by W. H. McClenon and W. C. Gilbert entitled "Acts of Congress Granting Relief to Sufferers of Fires, Floods, Earthquakes, etc., Legislative Reference Service, Library of Congress.

Civil and Military Commission

1874—In this year Congress passed an Act appointing a joint Civil and Military Commission to make a full report upon the best system of permanent reclamation and redemption of the alluvial valley from inundation.

1875—The next year the Joint Commission submitted its report, based on the results of Humphreys' survey of 1861. It concluded that "no practicable aid can be derived from any diversion of tributaries or by artificial reservoirs; that cut-offs are very pernicious and that outlets, though correct in theory, find no useful application to the Mississippi."†

Mississippi River Commission Act

1879—On June 28, 1879, Congress passed an Act creating the Mississippi River Commission. It was to consist of seven commissioners, three from the Corps of Engineers, U. S. Army, one from the Coast and Geodetic Survey and three from civil life, two of whom must be civil engineers. The Act creating the Commission also appropriated \$75,000 for its work. Up to the time of the creation of the Commission appropriations by Congress for Mississippi River improvement work were made in various river and harbor Acts, sundry civil Acts, etc. From 1824 to 1879 a total of approximately \$3,093,000 was expended for removal of snags and obstructions from the Mississippi River and its tributaries. Additional expenditure for navigation improvements amounted to about \$7,700,000.*

First Mississippi Commission Report

1880—In its first report to the Secretary of War the Commission condemned the outlet system as a means of flood control.†

1881—In its second report the Commission recommended levees as a means of protection against floods. In appropriating for the Commission in this period, however, Congress inserted a proviso prohibiting the use of Federal funds for construction and repair of levees for flood control "or for any other purpose except as a means of deepening the channel of said river." This policy was adopted because of the swamp land Act of 1850, which gave a free title of all the unsold overflow lands to the States, and the proceeds from their sale were to be used for levee construction.‡

Relief to Flood Sufferers

1882—On February 25, 1882, Congress appropriated \$100,000 for flood sufferers.

On March 10 and 11 Congress ordered use of Army hospitals and government vessels in aid of flood sufferers.

On March 21 another \$50,000 was appropriated for flood relief; on April 1 and 11 joint resolutions were passed authorizing \$20,000 for the purchase and distribution of seeds.‡

In making the appropriation that year for the Mississippi River Commission, Congress gave the Commission a wider

discretion and a large part of the appropriations was allotted to levee construction. Levee construction from this time on was permitted but was definitely limited in scope.[†]

1884—On February 12 the 48th Congress appropriated \$200,000 respectively for stores, clothing, coats, governmental vessels, etc., for relief of flood sufferers.[‡]

1885—In appropriating for the work of the Commission in this year Congress passed a proviso that no works of bank protection or revetment should be executed until it was found that permeable contraction works would not secure the desired stability of the river banks.[†]

1888—It was not until late in this year that the prohibitive clause in reference to revetment work was revoked. From this time bank protection became of prime importance.

1890—On March 31 and on April 25, 1890, Congress appropriated \$25,000 and \$50,000, respectively, for flood relief.

In this year also the clause restricting and prohibiting the use of Federal funds for levee construction was repealed from the appropriating acts for the Mississippi Commission.

1897—On April 7 and June 9, 1897, Congress appropriated \$200,000 and \$10,000 for flood relief.

1912—On May 9, 1912, Congress appropriated \$1,239,179, and on August 2, 1890, \$17,577, for flood relief.

1916—On August 3, 1916, \$540,000 was granted for relief of flood sufferers in the Southern States and in West Virginia.

First Flood Control Act

1916—Up to this time appropriations for works on the Mississippi were made primarily in the interest of commerce and navigation and not for flood control, and the work of the levees was looked upon as an adjunct to river improvement. From the act of 1879, creating the Commission, through the river and harbor act of July 27, 1916, the total appropriations by Congress for the Mississippi River amounted to approximately 83 million dollars.*

1917—On March 1, 1917 (Pub. Law No. 367, 64th Congress), the first flood control act was passed, and flood control became as definitely a part of the Commission's work as river improvement.

Analysis of Flood Control Act of 1917

1. Appropriations.

The act appropriated 45 million dollars, 10 million to be spent annually, for flood control work, the money to be expended under the direction of the Mississippi River Commission.

2. Local Contributions.

Local interests were to contribute a reasonable sum toward the construction of the levees, but which was to be not less than one-half the cost of such work.

"That no money appropriated under authority of this section shall be expended in the construction or repair of any levee unless assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable but which shall not be less than one-half of such sum as may have been allotted by the commission for such work: *Provided*, That such contributions shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended in any other State or levee district except with the approval of the authorities of the State or district so contributing."

See page 44 for footnotes

Local interests were also required to pay for the right of way of the levees to be constructed, as follows:

"No money appropriated under authority of this act shall be expended in payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this act, but all such rights of way shall be provided free of cost to the United States. *Provided*, That no money paid or expense incurred by any State or levee district in securing such rights of way, or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee."

Local interests were also to undertake the upkeep, maintenance and repair of the levees after they were constructed.

"Upon the completion of any levee constructed for flood control under authority of this act, said levee shall be turned over to the levee district protected thereby for maintenance thereafter; but for all purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion."

3. Sacramento River.

The act also appropriated \$5,600,000, one million to be spent annually for flood control work on the Sacramento River. The State of California was to contribute an equal sum and the work was to be in charge of the California Debris Commission.

4. Flood Control Committee Created.

Heretofore the Rivers and Harbors Committee of the House of Representatives had charge of flood control works. The act created the Flood Control Committee, to which all flood control work in the House has since been transferred.

5. Board of Engineers.

All reports and surveys were to be submitted to the Board of Engineers for Rivers and Harbors, who were to report to Congress their views and recommendations of flood control projects involving any federal interest.

1921—On June 8, 1921, Congress authorized appropriations for subsistence and quarters to sufferers of the Arkansas and Colorado floods.

1923—Appropriations made under the authorization of the Flood Control Act of 1917 for the Mississippi, from 1917 to 1923, the passage of the Second Flood Control Act, were \$44,996,000.*

Second Flood Control Act

On March 4, 1923, the Second Flood Control Act was passed to continue improvements on the Mississippi for the control of floods. This act appropriated 10 million annually for a period of six years, beginning July 1, 1924. Under this act the allocation of the expense was made upon a cooperative basis, and the local interests were to contribute not less than one-third of the amount involved. Also to furnish the rights of way for the levees and stand the cost of maintenance.

In its special report submitted November 28, 1927, the Mississippi River Commission states that during the period of 1882-1927 "the total expenditure of federal funds for levees was 71 million dollars. State and local organizations have expended or contributed about 167 million dollars during the same period." In addition the Federal Government during this period has spent 57 million dollars for bank revetments, for which local interests have also expended three million dollars.

On April 17, 1926 (Pub. Law No. 134, 69th Congress), Congress authorized a survey for the control of flood waters by the construction and maintenance of regulated spillways.

President Coolidge's Analysis of Mississippi Flood Control Problem

Recommendations for Financing New Flood Control Project

As Contained in His Annual Message to Congress, December 6, 1927



FOR many years the Federal Government has been building a system of dikes along the Mississippi River for protection against high water. During the past season the lower States were overcome by a most disastrous flood. Many thousands of square miles were inundated, a great many lives were lost, much livestock was drowned and a very heavy destruction of property was inflicted upon the inhabitants. The American Red Cross at once went to the relief of the stricken communities. Appeals for contributions have brought in over \$17,000,000. The Federal Government has provided services, equipment and supplies probably amounting to about \$7,000,000 more. Between \$5,000,000 and \$10,000,000 in addition have been provided by local railroads, the States and their political units. Credits have been arranged by the Farm Loan Board, and three emergency finance corporations, with a total capital of \$3,000,000, have insured additional resources to the extent of \$12,000,000. Through these means the 700,000 people of the flooded areas have been adequately supported. Provision has been made to care for those in need until after the 1st of January.

THE Engineer Corps of the Army has contracted to close all breaks in the dike system before the next season of high water. A most thorough and elaborate survey of the whole situation has been made and embodied in a report with recommendations for future flood control, which will be presented to the Congress. The carrying out of their plans will necessarily extend over a series of years. They will call for a raising and strengthening of the dike system with provision for emergency spillways and improvements for the benefit of navigation.

UNDER the present law the land adjacent to the dikes has paid one-third of the cost of their construction. This has been a most extraordinary concession from the plan adopted in relation to irrigation, where the general rule has been that the land benefited should bear the entire expense. It is true, of course, that the troublesome waters do not originate on the land to be reclaimed, but it is also true that such waters have a right of way through that section of the country and the land there is charged with that easement. It is the land of this region that is to be benefited. To say that it is unable to bear any expense of reclamation is the same thing as saying that it is not worth reclaiming. Because of expenses incurred and charges already held against this land, it seems probable that some revision will have to be made concerning the proportion of cost which it should bear. But it is extremely important that it should pay enough so that those requesting improvements will be charged with some responsibility for their cost, and the neighborhood where works are constructed have a pecuniary interest in preventing waste and extravagance and securing a wise and economical expenditure of public funds.

IT is necessary to look upon this emergency as a national disaster. It has been so treated from its inception. Our

whole people have provided with great generosity for its relief. Most of the departments of the Federal Government have been engaged in the same effort. The governments of the afflicted areas, both State and municipal, cannot be given too high praise for the courageous and helpful way in which they have come to the rescue of the people. If the source directly chargeable cannot meet the demand, the National Government should not fail to provide generous relief. This, however, does not mean restoration. The Government is not an insurer of its citizens against the hazard of the elements. We shall always have flood and drought, heat and cold, earthquake and wind, lightning and tidal wave, which are all too constant in their afflictions. The Government does not undertake to reimburse its citizens for loss and damage incurred under such circumstances. It is chargeable, however, with the rebuilding of public works and the humanitarian duty of relieving its citizens from distress.

THE people of the flooded area and their representatives have approached this problem in the most generous and broadminded way. They should be met with a like spirit on the part of the National Government. This is all one country. The public needs of each part must be provided for by the public at large. No required relief should be refused. An adequate plan should be adopted to prevent a recurrence of this disaster in order that the people may restore to productivity and comfort their fields and their towns.

LEGISLATION by this Congress should be confined to our principal and most pressing problem, the lower Mississippi, considering tributaries only so far as they materially affect the main flood problem. A definite Federal program relating to our waterways was proposed when the last Congress authorized a comprehensive survey of all the important streams of the country in order to provide for their improvement, including flood control, navigation, power and irrigation. Other legislation should wait pending a report on this survey. The recognized needs of the Mississippi should not be made a vehicle for carrying other projects. All proposals for development should stand on their own merits. Any other method would result in ill-advised conclusions, great waste of money, and instead of promoting, would delay the orderly and certain utilization of our water resources.

VERY recently several of the New England States have suffered somewhat similarly from heavy rainfall and high water. No reliable estimate of damage has yet been computed, but it is very large to private and public property. The Red Cross is generously undertaking what is needed for immediate relief, repair and reconstruction of houses, restocking of domestic animals and food, clothing and shelter. A considerable sum of money will be available through the regular channels in the Department of Agriculture for reconstruction of highways. It may be necessary to grant special aid for this purpose. Complete reports of what is required will undoubtedly be available early in the session.

The President Transmits to Congress Flood Control Plan of Army Engineers



HERE is submitted herewith a letter from the Hon. Dwight F. Davis, Secretary of War, transmitting with favorable recommendation the report of Maj.-Gen. Edgar Jadwin, Chief of Engineers, containing the plan of the Army Engineers for flood control of the Mississippi River in its alluvial valley.

IN my message to the two Houses of Congress at the beginning of the first session of the Seventieth Congress, the flood-control problem of the lower Mississippi and the urgent necessity for its solution were outlined. The general duties and responsibilities of the Federal Government in connection therewith were therein discussed.

THE total cost of the recommended project is \$296,400,000, distributed over a period of ten years. This large sum is manifestly justified by the necessities of the situation and the benefits that will result. In determining the distribution of the costs there must be considered not only the people of the Valley itself, who receive the major portion of the benefits, but also the great mass of taxpayers who suffer less directly from Mississippi River floods and upon whom most of the burden of Federal taxation falls. It is axiomatic that States and other local authorities should apply all lands and assume all pecuniary responsibility for damages that may result from the execution of the project. It would be revolutionary for the Federal Government to es-

tablish the precedent of buying part of the land upon which to build protective works to increase the value of the remainder. Similarly, it would be very unwise for the United States in generously helping a section of the country to render itself liable for consequential damages. The Federal Treasury should bear the portion of the cost of engineering structures for flood control that is justified by the national aspect of the problem and the national benefits. It may even bear 80 per cent. of such costs, but substantial local cooperation is essential to avoid waste. The portion this would leave to be borne locally for flood-control structures represents an expenditure of about \$3 (or 30 cents per year for ten years) for each acre in the alluvial valley to be protected every year from Mississippi River floods. The value per acre, including railroads, towns, cities and other improvements, is estimated at something over \$200. It would seem that the States should share with the Federal Government the burden of assisting the levee districts and individual property owners, especially in view of the fact that the States benefit directly by the increased taxes from land made more valuable by reason of its protection.

THE plan transmitted herewith is comprehensive and appeals to me as being adequate in its engineering. I concur in general in the conclusions and recommendations reached in the report, and suggest that appropriate legislation be enacted putting them into effect.—December 8, 1927.

Congress Takes Up Flood Control Program



FTER consultation with House leaders of both political parties as to the advisability of beginning hearings on flood control plans before the convening of Congress, and obtaining their approval, Representative Frank R. Reid of Illinois, chairman of the House Committee on Flood Control, called that Committee to meet on November 7, 1927, a month before the opening of Congress. Hearings were begun immediately, the first witnesses being representatives of the Chicago Flood Control Conference. Following them, representatives of all the States affected by the proposed legislation were heard. After these came the Mississippi River Commission and Major General Edgar Jadwin, Chief of Engineers, United States Army.

The President's Recommendations

On December 6, President Coolidge presented his general recommendations on flood control, embodied in his annual message to Congress, and followed them on December 8 with further recommendations in his letter transmitting to Congress the flood control report of the Chief of Engineers, which he endorsed.

Reports Received

The report of the Chief of Engineers and the report of the Mississippi River Commission were laid before the Committee on Flood Control. On December 21, Representative Reid introduced a bill (H. R. 8219) embodying a plan for flood control which was also referred to the Committee.

The Reid plan provides:

1. That complete and exclusive control over all flood control problems be turned over to the Mississippi River Commission, the membership of which would be increased to thirteen; five of whom would be selected from the engineer corps of the Army; one from the Coast and Geodetic Survey and seven from civil life. The commissioners would be appointed by the President for six-year terms, by and with the advice and consent of the Senate, and would make their recommendations and reports direct to Congress.
2. That the Commission would proceed at once, and without local contributions, to enlarge, strengthen and reconstruct all existing levees and to construct such additional levees, spillways, storage basins and reservoirs it considered necessary.
3. That the Federal Government recognize that "the protection of lives and property of citizens of the United States and the protection of interstate commerce from destructive floods is a national duty" and that, therefore, the Commission should be directed to proceed immediately to investigate all watersheds producing floods destructive to life, property and interstate commerce and to report its findings to Congress.

The Commission is empowered to call for all records and data on flood control in the possession of existing Government agencies.

Although many other flood control bills were introduced, the House Committee hearings have resolved themselves into a discussion of these three plans. The plans of the Chief of

Engineers and the Mississippi River Commission vary as to engineering details and costs, but agree on the provision that the States should bear part of the financial burden. The Reid plan calls upon the Federal Government to bear the entire cost. It increases the membership of the Mississippi River Commission and enlarges its scope. The House Committee held two sessions each day from the time the hearings began until January 16, when it added night sessions in the hope of completing its hearings before the end of the week of January 23. Upon the conclusion of the hearings the committee will begin to draft a bill for presentation to the House, which, Chairman Reid announced on January 21, he felt would be reported within three weeks.

The House Committee on Flood Control may report a bill carrying an authorization for an appropriation of any amount it sees fit. Before any money is actually appropriated, however, the bill must be referred to the House Committee on Appropriations for a report on how much of the sum authorized should actually be appropriated at this session of Congress.

On the Senate Side

Of the many flood control bills which have been introduced in the Senate three are receiving the particular attention of the Senate Committee on Commerce to which they all have been referred. These three are S. 1677, introduced Decem-

ber 13, by Senator Wesley L. Jones, Washington, R., Chairman of the Committee on Commerce; S. 819, introduced December 6, by Senator Harry B. Hawes, Missouri, D.; and S. 1999, introduced January 4, by Senator Joseph E. Ransdell, Louisiana, D.

The Jones bill embodies the recommendations of the Chief of Engineers (Jadwin report.)

The Ransdell bill provides that the Federal Government shall pay the entire cost of flood control and approves the plan of the Mississippi River Commission for carrying on the work. An authorization of \$775,000,000 to carry out the entire work is provided for in the Ransdell Bill.

The Hawes bill provides that the Federal Government shall pay the entire cost of flood control; provides for the abolition of the Mississippi River Commission and the creation, in its place, of a "Mississippi Valley Waters Control Commission," to be composed of five members, appointed by the President and confirmed by the Senate, two of whom shall be engineer officers of the Army, two civilian engineers and one individual of experienced executive ability. The headquarters of the Commission proposed in the Hawes Bill would be in Washington; and it would report direct to Congress. It would take over all flood control problems connected with the Mississippi River and its tributaries.

Senator Jones called the Committee on Commerce to meet on January 23, to begin hearings.

A Summary of the Army Engineers' Plan For Flood Control of the Mississippi

The Plan

THE plan is a comprehensive one, providing for the maximum flood predicted as possible, and for future expansion to meet changing conditions. It includes a spillway above New Orleans, diversion floodways in the Atchafalaya and Tensas Basins, a river bank floodway from Cairo, Illinois, to New Madrid, Missouri, together with strengthening and a moderate raising of existing levees. It is designed to prevent any material increase in flood stages. Channel stabilization and navigation improvement are included.

Estimated Cost

Exclusive of rights of way, incidental drainage works, and damages, if any, recommended to be borne by local authorities, the estimated cost of flood control works is \$185,400,000, and of channel stabilization and mapping \$111,000,000; a total of \$296,400,000.

Distribution of Cost

The distribution of cost must be determined by law. The suggestion is made that a distribution by which the cost of flood control works in general is borne 80 per cent. by the Federal Government and 20 per cent. by the Valley States, and the entire cost of channel stabilization is borne by the United States, would accord with the fiscal policy of the President and the precedents established by Congress.

Other Recommendations

The reorganization of the Mississippi River Commission, Federal control over structures within natural floodways, and the comprehensive mapping of the alluvial valley are also recommended.

Reservoirs and Other Suggestions

The control of Mississippi floods by reservoirs is shown to be too costly to warrant their construction. Their development for local benefits is discussed. Other suggested schemes, including levees of sufficient height to contain the maximum possible flood, are discussed but found inadvisable. The plan heretofore pursued has been the construction of levees high enough and strong enough to confine all of the flood waters within the river channels. The levees that have been constructed are not sufficiently high for such floods as are now predicted. The cost of raising and strengthening them sufficiently to carry extreme floods would greatly exceed the cost of the plan proposed. Furthermore, the extent of the disaster which follows a crevasse increases greatly as the flood is forced to higher stages by a confinement wholly within the levee system. The loss of life and property in the recent great flood in the alluvial valley followed the breaking of the levees.

Details of Plan

The details of the plan by which the surplus water will be carried with safety vary in different parts of the river.

Area Protected by Plan

The area in the alluvial valley that would be flooded by Mississippi River water if there were no protecting works is approximately 30,000 square miles. Under the plan recommended, barring accident, approximately 20,550 square miles will be protected annually. The remaining 9,450 square miles, of which approximately 3,340 square miles is cleared land, will be protected on an average of from 2 years in 3 to 14 years in 15, depending upon its location. The remain-

ing 6,110 square miles are swamp and timber land which is not injured by flood.

Rights of Way

The estimated cost of \$296,400,000 for the construction of flood control and navigation work does not include the costs of rights of way nor possible damage to structures which have invaded the natural flood bed of the river. It is expected that these, if any of them are legal and proper, will be borne by the States or other local interests who will in general be greatly benefited by the execution of the plan.

Division of Construction Costs

The total construction costs would be divided as follows:

By the United States

80% of general levee and control works.....	\$147,360,000
50% of special protection work.....	600,000
100% of works for channel stabilization and mapping navigation	111,000,000

Total.....	\$258,960,000
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By Local Interests

20% of general levee and control works.....	\$36,840,000
50% of special protection works.....	600,000
Total.....	\$37,440,000

The local interests are also expected, under the project, to furnish rights of way, and protect the United States against charges for flowage easements and damages.



HE Commission is of the opinion that the most dependable method, as well as the cheapest method, of protecting the Delta Basin against flood will comprise a system of levees supplemented by floodways through the Tensas and Atchafalaya Basins and by spillways above and below New Orleans.

To safeguard the levees from bank erosion and to fix in position and improve the navigable channel, an extensive program of bank revetment should be included as an essential part of the plan.

As an additional precaution against a flood greater than the assumed probable maximum, a series of safety-valve spillways to prevent overtopping and breaching of the levees during such a superflood may be advisable.

The estimated cost of such a comprehensive plan is as follows:

Levees	\$410,000,000
Cypress Creek	\$107,000,000
Atchafalaya	52,500,000
Bonnet Carre	11,500,000
Caernarvon	10,000,000
Revetments	165,000,000
Dredging	7,000,000
Supervision, surveys, gauging and contingencies.....	12,000,000
Total	\$775,000,000

The estimated cost of annual maintenance, after completion of the above project, is as follows:

A Comparison of Costs of Army Engineers' and Mississippi River Commission's Plans

ESTIMATES

Item	Chief of Engineers	Miss. River Commission
Bank stabilization	\$110,000,000	\$165,000,000
Levees, main river.....	181,900,000	326,500,000
Tributary levees.....	None (a)	73,000,000
Main river levees above Cape Girardeau	None (b)	10,500,000
Boeuf Basin flood way.....	7,700,000	107,000,000
Treatment except levees, below Old River:		
Atchafalaya flood way.....	29,900,000	52,500,000
Bonnet Carre spillway.....	8,200,000	11,500,000
Caernarvon spillway.....	None (c)	10,000,000
Miscellaneous:		
Dredging	None	7,000,000
Surveys, Investigations and overhead	1,000,000	12,000,000
Auxiliary levees.....	7,700,000	None
Total.....	\$296,400,000	\$775,000,000

(a) The Chief of Engineers allowed for no levees on tributaries, on the ground that a study of the tributaries, with a view to flood control, power development, and navigation, has been ordered by Congress under the Engineer Department. Since Congress has specifically placed all tributaries below Rock Island (so far as affected by floods in the main rivers) under the jurisdiction of the Mississippi River Commission, the Commission could not eliminate these items.

(b) This 450 miles of river has been placed specifically under the Commission and could not be ignored, in its estimate.

(c) The Chief of Engineers eliminated the Caernarvon spillway. The Commission felt that it wanted to study that spillway before eliminating it entirely.

A Summary of the Mississippi River Commission's Recommendations for the Control of Floods

Diversion channels and spillways.....	\$1,000,000
Revetments	3,000,000
Levees	3,700,000
Dredging	300,000
	\$6,000,000

Certain features of this comprehensive plan require further investigation before they can be definitely recommended for adoption, and certain possible alternatives, such as reservoirs in the White and Arkansas Basins and diversion through the St. Francis Basin, are deemed worthy of further study. In addition the commission recommends that a thorough economic survey be made before a project of this magnitude is undertaken.

While these additional investigations are necessary they should not be allowed to delay vigorous prosecution of work that is deemed essential, whatever may be the result of these investigations.

These essential features include a general increase in levee section, an adjustment of the levee grade, the provision of leveed floodways through the Tensas and Atchafalaya Basins, the construction of a spillway above New Orleans, and vigorous prosecution of bank revetment.

In addition, provision should be made for the dredging necessary to maintain the enlarged channel recommended (at least 300 feet wide and nine feet deep at all stages), and for the surveys needed in connection with further study of the comprehensive plan.

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Government Agencies Now in Charge of Federal Flood Control Activities

The Corps of Engineers, United States Army
Major General Edgar Jadwin, Chief of Engineers

IN addition to his various military duties, certain civilian duties are committed to the Chief of Engineers by Acts of Congress, among which are:

The execution of work ordered by Congress for the improvement of rivers and harbors, and other navigable waters of the United States, including examinations and surveys, administration and enforcement of laws for the protection

and preservation of such waters, the establishment of harbor lines, establishment of anchorage grounds of regulations, for the use, administration, and navigation of such waters; regulations for the operation of drawbridges; removal of wrecks and other obstructions to navigation; approval of plans of bridges and dams; issuance of permits for structures or for dredging, dumping, or other work in navigable waters.

The Mississippi River Commission

*President, Charles L. Potter, Colonel, Corps of Engineers, U. S. A.
 Charles H. West, Robert L. Faris, John W. Stipes, Edward Flad, Civilians
 Charles W. Kutz, Edward L. Schulz, Colonels, Corps of Engineers, U. S. A.*

IN accordance with the provisions of the Act of Congress, approved June 28, 1879, the acts of the commission are subject to the approval of the Secretary of War, to whom its reports are to be submitted. The duties of the commission under the basic law referred to may be summarized briefly as follows:

First—To direct and complete such surveys of the Mississippi River between the Head of Passes (near its mouth) and its head-waters, as were then in progress (1879); and to make such additional surveys and examinations of the river and its tributaries as were deemed necessary.

Second—To take into consideration and mature a plan or plans for deepening the channel of the river, improving it for navigation, protecting its banks, and preventing destructive floods; and with such plan or plans to submit an estimate of the cost of execution.

Third—To report specifically upon the practicability, feasibility, and probable cost of the plans known as the jetty system, the levee system, and the outlet system.

Fourth—To prepare and submit, prior to the completion of all the surveys and examinations, should it so desire, plans and estimates of cost of such immediate works as might, in its judgment, constitute a part of the general system contemplated.

Subsequent acts of Congress modified the duties of the commission and its jurisdiction, but left its constitution unchanged, its membership from the beginning being composed of three commissioners selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey and three from civil life, two of whom are civil engineers.

Glossary of Mississippi River Terms

*By Colonel Charles L. Potter, U. S. A.
 President, Mississippi River Commission*

ALLUVIAL LANDS. Lands made by the deposits from the Mississippi River south of Cape Girardeau.

BANK PROTECTION. A term used generally to cover any method of protecting the banks of a stream from caving by action of the stream.

BY-PASS. A second pass, or channel that takes water from the main channel. A by-pass is to a stream what a detour is to a road.

CREVASSER. A break in a levee through which flood water may pass.

CUT-OFF. A charge in the river channel whereby it goes across a neck of land in a bend of a river.

DELTA. Term used to describe the territory situated between forks of the Mississippi River near its mouth, derived from the fact that the land lying between the forks is triangular in shape like the Greek letter "delta."

DELTA BASIN. The Delta Basin of the Mississippi River includes that territory that would be overflowed if there were no levees. It covers about 30,000 square miles in the States of Missouri, Illinois, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana.

DIKE. Embankment raised at the edge of a body of water to prevent overflow. A narrower definition is a structure in the river run out from the bank to contract the low water flow.

DIVERSION FLOODWAY. A channel for carrying water from the main river. A means of by-passing.

EASEMENT. A legal term signifying a right to do a certain thing. Water easement is used to denote the natural or acquired right of a stream to flow through certain territory.

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Should States of Mississippi Flood Area Share Costs of Flood Control Project?

Pro

MAJ. GEN. EDGAR JADWIN
Chief of Engineers U. S. Army

HE question of local co-operation must be viewed from the standpoint not only of those in the valley needing flood protection, but also of the taxpayers in other parts of the country, including the regions from which the flood waters come, who suffer indirectly from flood disasters and on whom the bulk of the burden of Federal expenditure must fall.

The estimated cost of \$296,400,000 for the construction of flood control and navigation works does not include the costs of rights of way for flood-control works, the cost of any drainage works required therewith nor the cost of any flowage rights that may be required, nor damages, if any, resulting from the execution of the plan. No questions of rights of way or damages arise in connection with the navigation works. Local interests should in the future as in the past provide all rights of way for flood-control structures. They best can obtain the land at a fair value, and vexing questions as to Federal ownership, administration or police of the narrow strips of land will be eliminated. Their land is enhanced in value by the works. Tax collections show that the land in the Upper Yazoo Basin has ten times the value that it had before it was leveed. The United States ought not to buy a part of the land to enhance the value of the rest.

Such drainage works as will be required in connection with new interior levee construction are of direct benefit to the lands affected, and their cost should be borne locally.

It is a fundamental principle that no damages lie against either Federal or State government, or local agencies, on account of accidental crevasses in the levees. The plan has been drawn to reduce to a minimum the damage to lands and structures resulting from the flow at high floods through the flood-ways. All property affected lies in the natural high-water bed of the river. Much of this land was transferred to the States by the Swamp Act, approved September 28, 1850. The purpose of this Act was to enable the States to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein. The principle involved was not new, as the early French grants in the lower valley contained a proviso requiring the grantee to construct and maintain a levee line along the river front of his property. In the State of Louisiana, this old servitude has been transferred by the State to the Levee District in which the land is located. Whether or not the servitude of flooding was transferred to private owners when the land was sold, the servitude existed when the land was granted to the States without cost. It should not now be paid for by the Federal Government. Moreover, the lands, with some exceptions, will have the same protection as is afforded by the present levee system, a protection provided partly at the expense of the Federal Government. The exceptions are the lands in the Bonnet Carré floodway and in the setback floodway from Birds Point to New Madrid. The acquisition of flowage rights by the State or local interests may be necessary in these cases. In any case, the lands should remain in private ownership in order that their productive capacity may be fully availed of. The United States does not in general own the

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Con

HON. LEN SMALL
Governor of Illinois, Republican



T is my deliberate conviction that the problem of flood control is a national problem, because the flood areas are too large, the flood damages too great and the flood sources are too remote for effective local or even State administration.

In the second place, flood control by the Federal Government is not only justified by reason of the extent of the territory affected, but in my opinion this problem is a proper subject for governmental attention because of the established economic fact that any preventable calamity which injuriously affects the welfare and prosperity of the people of any considerable portion of the country cannot fail to have a detrimental effect upon the rest of the country. That which harms a part of the people is a matter of profound concern to all the people, especially where the conditions are incapable of control by the local community.

The Mississippi Valley contains the most fertile soil and is perhaps the most productive area in the entire United States. The lands lying in the flooded districts constitute the bread basket and the sugar bowl of America. The appropriations necessary to preserve the productivity of this great region and to protect the people and property, both private and public, from future flood disasters will in my opinion prove to be a wise and desirable expenditure of public funds, resulting in great advantage to all the people and to the Government of the United States. The policy of river and harbor development of the National Government has proved to be of benefit to all the people.

As Governor of the State of Illinois for the past seven years, during which period our people have gone through these trying experiences and have suffered these tremendous losses, there has been impressed upon my mind the menace of the uncontrolled flood waters, and the imperative necessity for the establishment of broad system of national flood control, through which alone, it seems to me, the recurrence of similar disasters in the future can be prevented.—*Extracts, see 4, p. 70.*

HON. JAMES E. WATSON
U. S. Senator, Indiana, Republican



ROM this time henceforth the question of flood control in the Mississippi Valley should be regarded by the entire Nation as a national problem and not merely as a local one. We often hear that this is something entirely new in a governmental way, and yet it is not new. For decades the internal improvements at public expense has been one of the well-formulated policies of our Government, followed by both parties during the many years of our Nation's history. We have already spent untold millions for the improvement of rivers and harbors. We have helped to build dikes and levees along their banks to save fertile acres from inundation. We have done this by our appropriations. We have contributed to enlarging the capacity of our rivers. We have gone out into the western lands and at governmental expense expended millions of money for the purpose of irrigating

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Pro—Continued**MAJ. GEN. EDGAR JADWIN**—continued

bed of navigable streams; much less need it own land flooded only at long intervals. Damages, if any, which may be found legal and proper as a consequence of the plan should be met by the States, since these will be directly benefited by the works.

The project should be authorized subject to the condition that, except when specially authorized by the Secretary of War, upon the recommendation of the Chief of Engineers, no Federal funds shall be expended upon the part of the project within any State until that State has accepted by appropriate legislation these conditions and responsibilities. The saving exception is suggested to cover the case where the procedure requisite to the enactment of the legislation would unduly delay the initiation of work of far-reaching benefit, particularly if such work is essential to the protection of another State which has fulfilled these conditions.

The present Flood Control Act provides that local interests shall pay one-third the cost of levee construction.

In addition to meeting these costs, the inhabitants of the valley have been subject to recurring flood damage. The direct damages suffered from the 1927 flood are estimated by the Mississippi Flood Control Association to have been \$236,334,414.06.

The facts clearly show that the people of the valley have borne much the greater part of the cost of flood protection, although the United States has given substantial aid. The local participation has furthered the keen interest of each locality in the proper execution of works not economically justified.

The division of cost has led to some division of control. The enlargement of levees affecting large areas has been delayed, in some cases, by the failure of a levee district to furnish its share of the cost. It is doubtful whether these disadvantages have counter-balanced the advantage of a local proprietary interest in the works.

The comprehensive plan now presented does not include the protection of areas whose reclamation is not economically justified, but contemplates that such areas be left open for temporary storage and the discharge of floods. If no local contribution is required, the law and the administration of this project must be relied on to prevent the construction of works not economically justified. If a contribution, small in comparison with the cost of work already done and to be done, will assist materially in retaining the proprietary interest and watchfulness of local authorities, it would seem to be justified.

In view of the national aspect of the flood-control problem from the standpoint both of the cause and of the effects of the floods, and in view of the large sums spent in the past by the people of the valley for flood protection, the sacrifices they have made in meeting their allotments, the great losses suffered in the past flood, and the larger expenditures now required, it is believed that the United States should bear a larger proportion of the cost of construction than in the past, and that of the States or local interests be as small as consistent with the results desired. While the proportion must be determined in the wisdom of the President and Congress, a division by which the United States bear 80 per cent. and local interests 20 per cent. of the cost of levee construction and control works in general, and by which the United States bear 50 per cent. and the local interests 50 per cent. of the cost of the special ring levees proposed at

*Continued on next page***Con—Continued****HON. JAMES E. WATSON**—continued

desert lands until we have literally made them to blossom like a rose. We have gone into swamp lands and cut-over lands and reclaimed them for civilization, for occupancy and for the use of our people. Those have all been internal improvements at Government expense.

We have established the Department of Agriculture with that end in view—to aid the farmer—and when pests have come, like the boll weevil in the South, and the many other pests that attack plant life and animal life in the country, we have expended millions in order to destroy them and to prevent their ravages. Internal improvements at public expense is the same policy that was formulated years ago and that has since been adapted to conditions as conditions have arisen, conditions always of disaster that demand the united attention of a united people. It is a fixed policy and ought to be a fixed policy because this is one nation, composed of an undivided and indivisible people, and whatever inures to the benefit of any particular section of the country in the long run inures to benefit all of us and it should so be regarded by the people of the United States.

The one great principle that was enunciated at the Chicago conference is the fact that flood control is a national problem and no longer a local one—and I mean by that that it is not a 50-50, it is not a 75-25 problem, but it is a national problem wholly to which the States should not be asked to contribute; the impoverished States already in the midst of wreckage and disaster should not be asked to contribute to this enterprise.—*Extracts, see 4, p. 70.*

HON. FRANK R. REID*U. S. Representative, Illinois, Republican*

HE protection of life and property and the safe conduct of interstate commerce, as well as the protection of the mails, is the solemn obligation and duty of the Government of the United States.

An outstanding criticism of our past and present policy is that we have always awaited a calamity before enacting measures that might have prevented it.

There should be no provision for local contribution. There can be none if Congress intends to protect the lives and property of its citizens from these destructive floods. The elemental weakness of the present system, as disclosed by investigations and reports made by the Government agencies, is that the dependence upon local participation has resulted in a weak and unfinished system of levees. I waive the equation of justice entirely and disregard the statement substantiated by incontrovertible proof, that these people have been bled white in paying the bill of the Nation's drainage and that, prostrate and in ruin, they are unable to pay any longer. It is unthinkable that any student of our Government will assume that the United States in the discharge of the purely national governmental function of protecting the lives and property of its citizens from destructive flood waters of navigable rivers and promoting the interstate commerce of this Nation should demand of local communities a part payment of the cost.

There is but one governmental theory under which an argument for local participation would be justified, and that is by classing this as a reclamation project, but to do so would be to deny the whole history of the lower Mississippi Valley, where for hundreds of years thousands of acres of fertile

Continued on next page

Pro—Continued

MAJ. GEN. EDGAR JADWIN—continued

Morgan City, Melville, Simmesport and Arkansas City, would be in general accord with the existing policy of the President and the precedents established by Congress.

While \$37,440,000, to be paid by local interests, is small in comparison with the amount to be spent by the United States and with the amounts already spent by the people of the valley, it must be remembered that those people still owe considerable sums on their bonds on which the money spent was raised. Some of the levee districts are also near the limit of their bonding power under present State law and also near the limit of their credit. However, it is not equally clear that this expenditure, spread over a ten-year period among four or more States, would constitute an unreasonable burden on the States themselves, in view of the increased taxable values which will result from the improvement.—*Extracts, see 1, p. 78.*

Con—Continued

HON. FRANK R. REID—continued

lands have been under cultivation. These flood-protection works are not intended or designed to bring a single uncultivated acre of land under cultivation. They are not designed to add a foot to the already cultivated area; as a matter of fact, their immediate execution will take out of cultivation some land. They are intended as a protection to the lives and property of those now living there, a protection which the Government owes these citizens from the mad waters of its interstate streams. Hundreds of cities, towns and villages lie along the banks of the river. These cities have been prosperous, except in times of flood, for more than a hundred years. Thousands of miles of railroads have been constructed and huge investments in factories and agricultural plants are located in the valley. Certainty these are not to be reclaimed, but it is the Government's duty to protect them from destruction by floods. To reclaim land is to convert into usefulness land not at that time useful. The section with which we are dealing has been a wealth-producing section of this nation for more than a hundred years, and it is threatened now with absolute destruction unless the Government steps in to control the flood waters of its main river.

Reclamation of land is a luxury and should only be permitted where the people voluntarily ask for it and where it is economically justified. No person in the South is asking that reclamation be a part of any flood-control project, and to make flood protection dependent on reclamation is to deny that protection.

No levee system can be effective unless it is unified, co-ordinated and complete, and should any levee district fail to pay a contribution necessary under the reclamation theory the whole plan would fail.

Nearly every levee district is now or will soon be bankrupt. There is no possible way for them to get money, as they are unable to sell any bonds because of the default in the bonds already issued.

Comment is made that the people of the valley should be glad to pay a small amount if a large amount is spent by the Government to benefit their land. This might be reasonable if the rebuilding of levees would permit the borrowing of additional money on the land, but no one contends that it will.

Taking into consideration the fact that many of the land-owners are poor and have large families to clothe and feed, that the land is taxed to the limit for drainage and general taxes in addition to the levee taxes, and is heavily mortgaged, and that there are no money crops being raised, it is easy to see that the local interests cannot be depended upon to provide any money.

If anyone really believes that reclamation is involved in this problem, then it is his duty to sponsor a plan to provide the funds for the levee districts, which they are unable to provide themselves; and, consequently, as part of a reclamation plan there should be a provision that the United States Government create a new levee district, buy the capital stock and bonds in order to finance it, and give long-time payments, justified by the prospects of returns from the benefits added by the flood-protection works.

Of course, any careful analysis of the problem will result in the conclusion that it is a national duty and should be paid for entirely out of the funds of the National Government.

The Mississippi River Commission itself, the agency which



THE commission is firmly of the opinion that some degree of local financial co-operation is essential to a successful accomplishment of a flood-control project. This opinion is based not on a belief that local interests should share in the cost by reason of their being beneficiaries, but on the belief that without a local sharing in the cost the commission, as an agent of the Federal Government disbursing Federal funds, will be confronted by inordinate demands for flood-control work not needed nor justified. Levees, or other flood-control works of large cost, will, if granted free of cost, be demanded for the protection of areas insignificant in size and value, merely because the owner would need to underwrite no part of the cost. Even with the local contribution of one-third, as is now required, the commission has been importuned to levee areas unworthy of the cost of such protection. The commission has been able in the past to apply Federal funds according to its best judgment by its adoption of and adherence to a policy requiring that applicants for Federal aid prove the worthiness of their levee projects. This has been possible because the only cases presented would, if approved, entail liability on the applicants for the costs of rights of way and one-third the costs of construction. With no restriction on demands the commission foresees a multitude of projects of little or no merit, which it should deny in the interest of the public whose funds it will handle, but which, lacking authority to call for an outlay of funds by the applicants, it would find difficult or impossible to deny.

The commission would view with deep concern the adoption of a Federal flood-control project that would absolve local interests from participation in costs in levee maintenance. It believes that part of the cost thereof should be borne by the local beneficiaries. On the other hand, it believes that the Federal Government should pay part of the maintenance costs and should reserve full control of such work.

The commission suggests that an equitable basis of division of future flood-control costs would be, as in the Flood Control Act of March 1, 1917, to include both the building

Continued on next page

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Pro—Continued**MISSISSIPPI RIVER COMMISSION—continued**

of new levees and the raising of old ones to the 1914 Mississippi River Commission standard levee grade and section. That grade and section was in force and an accepted fact when the flood-control act referred to became law, and has since been recognized by levee districts along the river and on sections of certain tributaries as fixing the bounds of local contributions under the act. Similarly, the standard grade and section of 1917 was the grade and section in force when certain parts of other tributaries of the Mississippi River between Rock Island, Ill., and Head of Passes came within the commission's geographical jurisdiction by the flood-control act of March 4, 1923.

The commission believes that costs of enlargements of levees in excess of the 1914 grade and section and the excess cost of new levees over the same grade and section may properly be assumed by the United States without local contribution.

The commission, however, believes that relocation of the levee line for the purpose of increasing the floodway along the main river may properly be paid for by the United States, except that local levee districts should pay costs of land and rights of way and damages.

The commission believes that rights of way should be furnished to the United States, by purchase or otherwise, of title to the land on which levees are not or will hereafter be built. Such assumption would entail serious delays in levee work and would result in the establishment of numerous Federal reservations difficult to administer and police.

The commission believes that the United States should bear some part of the cost of levee maintenance and repair after completion of the levees, and that upon completion of a levee forming a definite link in the levee system, as determined by the commission, such levee should not be turned over to the levee district protected thereby for care and maintenance but should be maintained by the United States, the cost to be apportioned two-thirds to the United States and one-third to the levee districts protected.

The commission believes the following provision of the flood-control act of March 1, 1917, should be modified accordingly:

"Upon the completion of any levee constructed for flood control under authority of this act, said levee shall be turned over to the levee district protected thereby for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion."

The commission believes that bank protection on the main river should be paid for wholly by the United States as in the past, whether it is designed principally to protect levees or to form a part of the general improvement of the river; and that bank protection on the tributaries of the Mississippi, within the jurisdiction of the commission, should be paid for two-thirds by the United States and one-third by the levee district concerned, as has been required by commission policy based upon its interpretation of the flood control act of March 1, 1917, such revetment being primarily for the protection of levees.

Except as recommended above for levees and revetments, the commission believes that the cost and maintenance of flood-control works will have to be paid for by the United States. While local participation in the cost of such works

Con—Continued**HON. FRANK R. REID—continued**

has been at work upon the project of flood control in the lower valley for more than 40 years, abandons all contention that this is a problem of reclamation and does not claim that there would be any immediate land benefits as an argument for local contributions. Its only reason for insistence upon the continuance of this unjustifiable practice is that it is necessary in order that the commission would not be forced to meet demands for flood-control works where they were not needed or justified. This is merely an attempt to evade a responsibility, and which would only be deserving of consideration if this were a problem of reclamation, but should not be noticed where the protection of life and property is the sole consideration.

The people of the United States are willing to supply all the money necessary to prevent a recurrence of a flood like that of the Mississippi River of 1927, but are not willing to spend large sums of money for reclamation and navigation at this time.

For flood-control measures for the protection of life and property and interstate commerce the funds must be provided by the Government.—*Extracts, see 3, p. 70.*

CHAMBER OF COMMERCE OF THE UNITED STATES**Report of Flood Control Committee**

 The Flood Control Committee of the National Chamber has made the following recommendations as the result of a study of the flood-control problem of the Mississippi River:

1. That the Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control floods of the lower Mississippi River.

2. That the Federal Government should assume the sole responsibility for locating, constructing, and maintaining such works.

3. That there should be an adequate appropriation to insure efficient, continuous, and economic work, the funds to be available as needed.

4. That flood control of the Mississippi River should be dealt with in legislation and administration upon its own merits, separate and distinct from any other undertaking.

No agency save the United States Government has the administrative authority, the organization perfected, and the necessary personnel to carry on the investigation and to put into effect the measures necessary to effective flood control. It is clearly beyond the means of any State or group of States.

It has been suggested that part of the cost should rest with the States affected. Why should Shreveport, Louisiana, Mississippi or Fort Smith, Arkansas, or Chattanooga, Tennessee—not one of them more directly affected by the flood than cities in many other States—be taxed for flood control more than the rest of the country because of artificial boundaries laid out one hundred years ago. It is a national problem.

Any program for the protection of the lower Mississippi Valley must necessarily take a number of years for completion. In no one year will the expenditure be such as to embarrass the financial policy of the Federal Government. I can see no reason for letting any argument on the money

The 70th Congress

Duration of the 70th Congress, March 4, 1927-March 4, 1929
 First, or "Long" Session, Convened December 5, 1927. In Session.

In the Senate

Membership
 Total—96

47 Republicans 47 Democrats
 1 Farmer-Labor
 *2 Vacancies

Presiding Officer
 President: Charles G. Dawes, R.
 Vice-President of the United States

Majority Leader
 Charles Curtis, Kansas, R.

Minority Leader
 Joseph T. Robinson, Ark., D.

In the House

Membership
 Total—435

237 Republicans 195 Democrats
 2 Farmer-Labor
 1 Socialist

Presiding Officer
 Speaker: Nicholas Longworth, R.
 Member of the House from Ohio

Floor Leaders

Majority Leader John Q. Tilson, Conn., R. *Minority Leader* Finis J. Garrett, Tenn., D.

Action Taken by Congress

A Daily Summary of the Proceedings of the House and Senate

January 4, 1928, to January 20, 1928

Note.—This department contains a record of action on the floor of the House and the Senate. By following it from month to month the reader obtains a compact but complete review of the work actually done by Congress throughout the session. The principal abbreviations used are the following: H. R. means House bill; H. Res. means House Resolution; H. J. Res. means House Joint Resolution; H. Con. Res. means House Concurrent Resolution; S. means Senate Bill; S. Res., Senate Resolution; S. J. Res., Senate Joint Resolution, and S. Con. Res., Senate Concurrent Resolution. If reference is made to the consideration or action by the Senate of a House bill or resolution, it means that the House has passed it and sent it to the Senate, and vice versa.

Wednesday, January 4, 1928

SENATE:

Oath of office administered to Mr. Bronson Cutting, N. M., R., appointed to succeed the late Senator Andries A. Jones, D.

Passed H. R. 6857 to extend time for beginning and completing bridge across Columbia River, near Kettle Falls.

Discussed investigation of submarine S-4 disaster.

Agreed to S. Res. 90 by Mr. Caraway, Ark., D., requesting from the Secretary of War preliminary recommendations of the Army Engineers and the Mississippi River Commission for flood control, not included in the report of the Chief of Engineers.

Passed S. 1681, Mr. Jones, Wash., R., transferring the Okanogan project to the Okanogan irrigation district, Washington, upon the District agreeing to pay to the Government the sum of \$10,000 a year for a period of 31 years from 1928.

Passed S. 1398, Mr. Walsh, Mont., D., making pardons effective when delivered. The bill amends the existing statute which the United States Supreme Court has decided makes a pardon effective only when accepted by the person in whose favor it has been granted.

Passed S. J. Res. 47 by Mr. Norris, Neb., R., popularly known as the "Norris Amendment" proposing a constitutional amendment fixing terms of President, Vice-President and Members of Congress, and the time of assembling of Congress.

Passed with an amendment H. R. 483, authorizing purchase of the so-called "Triangle" south of Pennsylvania avenue in the District of Columbia from the Botanical Gardens to Fifteenth street as sites for Government buildings at a cost of \$25,000,000.

Passed H. J. Res. 82, continuing the services of commissioners

*Oath of office withheld from Senator-elect W. S. Vare (R.) of Pennsylvania pending investigation by special committee of the Senate. Oath of office denied Senator-elect Frank L. Smith (R.) of Illinois by Senate January 19, 1928.

in the Court of Claims, with an amendment providing that the periods for continuance of the terms of the commissioners shall be for three years instead of five as provided in the House Resolution.

Mr. Copeland, N. Y., D., discussed the coal situation. Executive Session.

Adjourned.

HOUSE:

Oath of office administered to Mr. Beck, Wis., R., and Mr. Kurtz, Pa., R.

Agreed to Resolution offered by Representative Butler, Pa., R., authorizing the speaker to appoint a deputy to administer the oath of office to Representative George S. Graham, Pa., R., at Mount Sinai Hospital, New York, where he is detained by illness.

Discussion of submarine S-4 disaster by Mr. La Guardia, N. Y., R., and Mr. Gifford, Mass., R.

Discussion of Nicaraguan situation by Mr. Huddleston, Ala., D., Mr. Begg, O., R., and others.

Thursday, January 5, 1928

SENATE:

Agreed to S. Res. 101, authorizing investigation of naval oil reserve leases—and the activities of the Continental Trading Co. Reconsidered the vote and resolution was referred to Committee to audit and control the contingent expenses of the Senate.

Mr. Fletcher, Fla., D., discussed American merchant marine.

Agreed to motion insisting upon Senate's amendment to bill H. R. 483 authorizing purchase of District of Columbia building sites, and sent the bill to conference.

Discussed Nicaragua, farm relief and railroads.

Adjourned to meet January 9.

HOUSE:

Disagreed to Senate Amendment to H. R. 8269, making ap-

appropriations for Departments of State, Justice, Commerce and Labor.

Discussed submarine S-4 disaster, Nicaraguan situation, development of mineral resources, flood control, ventilation of the House and farm relief.

Adjourned.

Friday, January 6, 1928

SENATE:

Not in session.

HOUSE:

Commended Mr. Reuel Small on his 30 years of service as official reporter of the House.

Discussed memorial to air mail flyers.

Resumed consideration of H. R. 8269, making appropriations for the United States Departments of State, Justice, Commerce and Labor.

Discussed the dairy industry in Nebraska, debenture plan for disposing of surplus farm products, the budget and committee system of appropriation, the deporting and illegal entry of aliens, farm relief and the submarine S-4 disaster.

Adjourned.

Saturday, January 7, 1928

SENATE:

Not in session.

HOUSE:

Concurred in Senate amendment to H. J. Res. 82, continuing the terms of commissioners in the Court of Claims for 3 years, instead of 5 years as provided in the House bill.

Agreed to H. S. Res. 131, providing for a commission to investigate the submarine S-4 disaster.

Adjourned.

Monday, January 9, 1928

SENATE:

Passed S. 773 authorizing the appointment of an additional judge of the United States District Court for Southern District of Iowa.

Passed S. 1968, authorizing payment of rent of building used by the United States Department of Agriculture.

Agreed to recommendations of conferees on H. R. 483, authorizing purchase of District of Columbia building sites at a cost of \$25,000,000.

Debated S. Res. 52, Mr. McMaster, S. D., R., recommending immediate lowering of tariff schedules, particularly those on manufactured articles used by farmers.

Executive session.

Agreed to S. Res. 101, authorizing investigation of naval oil reserve leases.

Recessed.

HOUSE:

Agreed to conference report on H. R. 483, authorizing purchase of District of Columbia building sites, at a cost of \$25,000,000.

Mr. Berger, Wis., S., discussed present Pennsylvania coal strike.

Resumed consideration of H. R. 8269, making appropriations for United States Departments of State, Justice, Commerce and Labor.

Discussed flood control and farm relief.

Adjourned.

Tuesday, January 10, 1928

SENATE:

Resumed consideration of S. 52, recommending immediate lowering of tariff schedules.

Executive session.

Adjourned.

HOUSE:

Resumed consideration of and adopted amendments to H. R. 8269, making appropriations for United States Departments of State, Justice, Commerce and Labor.

Adjourned.

Wednesday, January 11, 1928

SENATE:

Mr. Reed, Pa., R., made a partial report, No. 52, stating that the committee of investigation found the Mexican papers produced by Mr. William R. Hearst to be forgeries.

Agreed to S. Res. 106, limiting cost of investigation of naval oil reserve leases to \$25,000.

Agreed to S. J. 55, paying Henry A. Bellows for his services while radio commissioner.

Passed S. 672, appropriating \$500,000 for rehabilitation of farm lands in flood areas.

Agreed to S. Res. 106, requesting report on money advanced for Government aid by Nevada during Civil War.

Passed numerous private bills.

Resumed consideration of S. Res. 52, recommending immediate lowering of tariff schedules.

Discussed tax reduction, Governor Smith and prohibition.

Executive session.

Recessed.

HOUSE:

Dispensed with Calendar Wednesday business.

Passed H. R. 8269, making appropriations for United States Departments of State, Justice, Commerce and Labor.

Passed numerous private bills.

Adjourned.

Thursday, January 12, 1928

SENATE:

Resumed consideration of S. Res. 52, recommending immediate lowering of tariff schedules.

Mr. Nye, N. D., R., discussed business and agricultural conditions.

Agreed to S. Con. Res. 4, defining broken rice for the purposes of application of the tariff schedules.

Executive session.

Recessed.

HOUSE:

Agreed to H. Res. 88, electing new members of the Committee on Expenditures in the Executive Departments.

Considered H. R. 9136, making appropriations for the United States Department of Interior.

Discussed postal air service to South America, the Bureau of Efficiency and the Pension Bureau.

Adjourned.

Friday, January 13, 1928

SENATE:

Resumed consideration of S. Res. 52, recommending immediate lowering of tariff schedules.

Mr. Walsh, Mass., D., discussed American merchant marine.

Executive session.

Adjourned.

HOUSE:

Passed H. R. 9136, making appropriations for the Interior Department.

Discussed national reclamation, Alaska, Pension Bureau, Patent Office, Hawaii, St. Elizabeth's Hospital, Howard University.

Adjourned.

Saturday, January 14, 1928

SENATE:

The calendar under rule VIII was in order.

Passed S. 1279, authorizing settlement of District of Columbia railroad tunnel controversy.

Agreed to S. Res. 17, requesting indexed compilation of Acts of Interstate Commerce Commission.

Passed S. 1193, granting territory to Oregon for park purposes.

Passed numerous private bills.

Resumed consideration of S. Res. 52, recommending immediate lowering of tariff schedules.

Mr. Tyson, Tenn., D., discussed the significance of the American Legion visit to France in 1927.

Executive session.

Recessed.

Monday, January 16, 1928

SENATE:

Agreed to S. Res. 52, as modified, recommending an immediate revision downward of tariff rates to establish a closer parity between agriculture and industry.

Agreed to consider an unfinished business S. 744, further developing an American merchant marine by authorizing appropriations for the Government construction of new merchant ships and by forbidding the sale of any Government-owned

ships except by unanimous vote of the members of the Shipping Board. General discussion by Mr. Jones, Wash., R.; Mr. Cope, N. Y., D., and others.

Passed S. J. Res. 38, consenting to amendment of New Mexican constitution concerning mineral leases, the consent of Congress to such change being declared necessary to such change in the Act giving New Mexico Statehood.

Discussion of eighth anniversary of the ratification of the prohibition amendment, by Mr. Sheppard, Texas, D.; Mr. Bruce, Md., D., and others.

Executive Session.

Adjourned.

HOUSE:

Agreed to H. Res. 92, returning S. Con. Res. 4 to the Senate on the ground that it infringed upon the tariff making privileges of the House. S. Con. Res. 4 defined "broken rice" for purposes of the Tariff Schedule.

Discussion of tax reduction by Mr. Garner, Tex., D.

Business on Consent Calendar was in order. Passed 68 bills and joint resolutions. Among them were numerous bills authorizing the construction, maintenance, and operations of bridges; bills relating to battlefields, military reservations, and Army affairs, and bills concerning District of Columbia, Alaskan and Hawaiian affairs. Of general interest were: H. S. Res. 81, making appropriations for cooperative experiments in Agriculture; H. R. 471, providing for an aircraft procurement board, composed of Assistant Secretaries of War, Navy, and Commerce, and an Assistant Postmaster General, to coordinate the procurement of Government Aircraft; S. 672, appropriating \$500,000 for rehabilitation of farm lands in flood areas; H. R. 9021, providing punishment of persons escaping from Federal penal or correctional institutions; H. R. 5575, amending the organic Act of Hawaii to permit women to serve on juries but declaring such service not to be compulsory upon women.

Tuesday, January 17, 1928

SENATE:

Mr. Reed, Mo., D., Chairman of the Special Committee appointed to investigate campaign expenditures, reported S. Res. 112, declaring Frank L. Smith of Illinois not entitled to take the oath of office as Senator. The resolution, with committee report (No. 92) was discussed.

Mr. Harrison, Miss., D., discussed tax reduction bill.

Passed S. S. Res. 66, authorizing additional appropriations for memorial to women of World War.

Executive Session.

Recessed.

HOUSE:

Considered H. R. 9481, making appropriations for the executive and independent offices of the Federal Government.

Discussed tax reduction, tariff revision in relation to agriculture, American merchant marine, prohibition enforcement, honey protection, immigration, the Bureau of Efficiency, Howard University.

Adjourned.

Wednesday, January 18, 1928.

SENATE:

Concurred in House amendments to S. 672 for the purpose of rehabilitating farm lands in the flood areas.

Mr. Hefflin, Ala., D., spoke on alleged Mexican propaganda.

Resumed consideration of S. Res. 112 declaring Frank L. Smith of Illinois not entitled to take the oath of office as Senator. Mr. Reed, Mo., D., announced that he would ask the Senate to remain in session on January 19, until S. Res. 112 was disposed of.

Executive session.

Recessed to meet at 11 A. M. January 19.

HOUSE:

Passed H. R. 7011, detaching Okfuskee county, Oklahoma, from the northern judicial district of that State and attaching it to the eastern district.

Passed H. R. 9022, authorizing the town of Alderson, W. Va.,

to maintain a public highway through the grounds of the Federal Industrial Institution for Women, Alderson.

Passed H. R. 9051, providing that the accounts and vouchers of United States marshals, except those in China and the Canal Zone, and United States commissioners shall be payable quarterly instead of monthly.

Passed H. R. 9049, amending Sec. 227 of the United States Judicial Code, increasing the lists of courts and offices to which decisions of the Supreme Court of the United States are distributed.

Passed H. R. 9022, amending the Code of the District of Columbia with regard to fees charged by clerks of District of Columbia courts.

Passed H. R. 9052, amending Sec. 6 of the Act of 1896, to require United States marshals to report directly to the United States Treasury all fees collected instead of to the clerks of the courts.

Recommitted to Committee on the Judiciary H. R. 5623, R. 5623, adding a new section (274D) to the Judicial Code for the expedition of suits.

Passed H. R. 8229, providing for an additional circuit judge for the sixth United States Judicial Circuit.

Passed H. R. 8725, providing that the salary of the marshal of the Supreme Court of the United States and his assistants be fixed by the Chief Justice with a limitation of \$6000 per annum for the marshal's salary.

Discussed H. R. 9024, providing for the appointment of official court stenographers in Federal courts.

Thursday, January 19, 1928.

SENATE:

The Vice-President announced his appointment as members on behalf of the Senate to the Board of Visitors of the United States Naval Academy for the year 1928: Mr. Walsh, Mass., D.; Mr. Stewer, Oreg., R.; Mr. Tydings, Md., D., and Mr. Waterman, Col., R.

Mr. Hefflin, Ala., D., spoke on Mexican propaganda.

After further debate, adopted by a vote of 61 to 23 S. Res. 112 declaring Frank L. Smith of Illinois not entitled to take the oath of office as Senator.

Recessed until January 20.

HOUSE:

Mr. Maas, Minn., R., spoke on repeal of the Eighteenth Amendment to the Constitution of the United States.

Mrs. Rogers, Mass., R., spoke on her bill, H. R. 9503, authorizing the Secretary of the Navy to send suitable escorts with the Navy dead.

Began consideration of H. R. 9481, the Independent Offices Appropriation bill, carrying \$526,193,111 for the fiscal year 1929.

Adjourned.

Friday, January 20, 1928.

SENATE:

Mr. Swanson, Va., D., gave notice that he would address the Senate on January 23 on the Fourteenth and Fifteenth amendments to the Constitution of the United States.

Discussed H. J. Res. 131, reported from the Committee on Naval Affairs, providing for a commission to investigate and report the facts of the sinking of the Naval submarine S-4.

Discussed Nicaraguan and Mexican affairs.

Passed H. R. 8269, making appropriations for the Departments of State, Justice, Commerce, and Labor and the judiciary for the fiscal year 1929, with amendments.

Executive session.

The Vice-President laid before the Senate as unfinished business, S. 744, to further develop an American Merchant Marine.

Adjourned to meet January 23.

HOUSE:

Resumed consideration of Independent Offices Appropriation bill, H. R. 9481.

Adjourned to meet January 23.

Paragraph News of National Issues

Compendium of Important Legislation Before the Seventieth Congress

Status as of January 20th

Agriculture

Various plans for farm relief have been considered by the House Committee on Agriculture and Forestry in a series of hearings, begun January 16 on the Haugen bill. This bill follows closely the lines of the McNary-Haugen bill vetoed by President Coolidge after its passage by the 69th Congress. Under the provision of the Haugen bill it is proposed to improve farm prices by control of the surplus. Representatives of farm organizations have informed the committee that they will approve no agricultural relief measure without equalization principles. Proposals have been made in both Houses, similar to the McNary-Haugen plan, but carrying provision for financing through a revolving fund appropriated from Treasury funds. Tariff changes for the benefit of the farmer have also been suggested as a remedy for the farm situation. No course of action has yet been determined upon.

Several agricultural relief bills are before the Senate Committee on Agriculture and Forestry, but hearings will not be held before the middle of February. (See CONGRESSIONAL DIGEST, May, 1924, and May, 1925.)

The further development of the co-operative agricultural extension system between the States having agricultural colleges and the United States Department of Agriculture is provided for in bills which have been reported favorably by committees of both houses of Congress. The co-operative extension system, provided for by the Smith-Lever Act of May 8, 1914, is now less than half completed. The proposed plan of appropriations would permit its completion in 12 years.

Alien Property

A measure authorizing the appropriation of money for the settlement of claims for alien property seized by the government during the World War was passed by the House on December 20, 1927. The Senate Finance Committee is now considering the measure. The same bill was passed by the House last session but did not come to a vote in the Senate. Presidential recommendation. (See CONGRESSIONAL DIGEST, December, 1926.)

Appropriations

The first deficiency appropriation bill providing supplementary funds for the year ending June 30, 1928, the first appropriation bill to be taken up, was passed by both Houses and became a law on December 22. The total amount provided was over 115 million dollars.

An appropriation bill with items totalling almost ninety million dollars for the State, Justice, Commerce and Labor Departments passed the House January 11, and the Senate January 20 with amendments. The House bill carried \$89,048,000, about \$1,536,000 above the 1928 appropriation. Senate amendments increased the House figure by \$839,622.

The Department of Interior bill passed the House January 13, and on January 20 was before the Senate Committee. The House bill carried about \$272,000,000, a reduction of more than \$38,000,000 as compared with 1928.

The Independent Offices appropriation bill was reported to the House on January 17, carrying an appropriation of \$529,193,111 for the use of the Veterans' Bureau, Alien Property Custodian, Merchant Fleet Corporation, Federal Board for Vocational Training, Federal Power Commission,

Federal Trade Board, Smithsonian Institution and others. The amount recommended is \$7,715,303 less than that allowed for the current year.

Hearings have been completed by the House Committee on the War Department bill, which will be reported when the House passes the Independent Offices Bill. Hearings are being held by the committee on several other bills. Chairman Madden stated on January 20 that he expected all regular appropriation bills to be passed by both Houses by March 15.

Aviation

Regulation and advancement of commercial aviation are dealt with in a number of bills introduced in the present Congress, which has taken no action on the subject as yet. The expansion of the air mail service, operated by private enterprises under contract with the Post Office Department, has been recommended. Increased appropriations for lighting airways have been recommended by President Coolidge and are included in the appropriation bill for the State, Justice, Commerce and Labor Departments. A goal of 1000 miles of lighted airways by the end of the fiscal year ending June 30, 1929, has been set in these proposals.

Establishment of an international air mail service between United States and the Pan-American countries was advised by Postmaster General Harry S. New, appearing before the House Committee on Post Offices and Post Roads.

The House on January 16 passed a bill providing for an Aircraft Procurement Board, consisting of representatives of the various executive departments using aircraft. The duty of the board would be the consideration and co-ordination of all plans for the procurement of aircraft, aircraft engines, and accessories. The proposal is now pending in the Military Affairs Committee of the Senate. See CONGRESSIONAL DIGEST, April, 1925.)

Banking

The power of States to tax national bank shares has been limited for over sixty years by a provision of the National Banking Act that the rate or burden of tax imposed upon such shares shall not be greater than the taxing state imposes upon other moneyed capital "in the hands of individual citizens." Amendments changing the limitation so that the tax on national banks shall be equivalent to that imposed on State banks or other capital used in the business of banking have been proposed in both Houses during the present session as in previous sessions and are now pending in the House Committee on Banking and Currency. Opposition is based on the assertion that the amendment would permit unfair discrimination in taxation of banks as compared with other businesses handling moneyed capital.

Several bills have been introduced in the Senate providing for a retirement fund for officers and employees of banks in the Federal Reserve System but have not been reported out. (See CONGRESSIONAL DIGEST, March, 1926.)

Boulder Dam

Hearings on the Swing bill, proposing flood control, water storage, irrigation, and power development by the Federal Government through the erection of a dam at Boulder Canyon on the Colorado River, for which \$125,000,000 has

been asked, were held during January before the House Committee on Reclamation and Irrigation. The States of Utah, Colorado, New Mexico and Wyoming urged delay in legislation concerning the Boulder Dam or other Colorado River projects. The delay would permit the seven interested States to reach an agreement on all phases of the problem. The other States concerned in the project are California, Nevada, and Arizona.

Opposition to the project has also been expressed by the United States Chamber of Commerce and the American Engineering Council on the ground that it involves Federal ownership and sale of power. The likelihood that the cost of the project would exceed the amount asked has also been declared before the committee.

The Swing bill is virtually unchanged from the proposal considered in the 69th Congress, which was reported favorably by the committees in both Houses but which did not reach a vote before adjournment. (See CONGRESSIONAL DIGEST, February, 1927.)

Child Labor

The amendment to the Constitution passed in June, 1924, for the protection of children would give to Congress the power to legislate with respect to the work of persons under 18 years of age. To date five States have ratified the amendment, two have rejected it, nine have rejected it in one house of the State legislature, two have postponed indefinitely its consideration and the remaining States have taken no action. Representative Zihlman of Maryland introduced a bill (H. R. 6685) in the House to regulate child labor in the District of Columbia. Hearings were held on the bill before House Committee on the District of Columbia during the week of January 16. (See CONGRESSIONAL DIGEST, February, 1923.)

Civil Service

Bills for civil service retirement have been introduced by Mr. Dale, Vt., R., in the Senate and Mr. Lehlbach, N. J., R., in the House. The Senate committee has agreed to report, also, the Dale bill extending the Civil Service to all postmasters of the third class.

Hearings on the Lehlbach bill, similar to the Dale bill, are in progress before the House Committee on Civil Service. It is expected that a vote will be had on these bills at this session.

Coal

During this session Senator Copeland of New York reintroduced his bill (S. 2029) to prevent recurrences of coal shortages, which has been referred to the Committee on Education and Labor. On January 4 Senator Copeland discussed conditions of the coal strike in Pennsylvania, and the necessity for some federal law whereby the President might be enabled to act in such critical situations.

On January 19, Mr. Berger, Wis., Soc., introduced a resolution (H. Res. 86) authorizing an investigation of court injunctions issued in the present coal strike in Pennsylvania. (See CONGRESSIONAL DIGEST, November, 1925.)

Copyright

No change in Copyright fees has been made for more than a century and those charged do not cover the actual cost of the service performed, according to Thorvald Solberg, Register of Copyrights. To remedy this situation Mr. Vestal, R., of Indiana, has introduced in the House a bill increasing the copyright fee from \$1 to \$2 and the subscription price of the copyright catalogue from \$5 to \$10. The bill has been reported favorably in the House and is identical with the one passed by the House in the 69th Congress.

Mr. Vestal re-introduced his bill "to amend and consolidate the acts respecting copyright and to permit the United

States to enter International Copyright Union," which was not reported out of Committee during the last Congress.

Other bills of importance in copyright legislation have been introduced at this session, but no action has been taken upon them.

These bills are before the House Committee on Patents.—(See CONGRESSIONAL DIGEST, October, 1927.)

District of Columbia

This session, Mr. Jones, Wash., R., introduced (S. J. Res. 8) on December 6, proposing a constitutional amendment giving the people of the District some kind of national representation. The bill was referred to the Senate Committee on the District of Columbia.

On December 5, Mr. Dyer, Mo., R., introduced a similar resolution (H. J. Res. 18), which was referred to the House Committee on the Judiciary. Hearings on the subject were begun by the Committee the week of January 23. (See Child Labor above, and CONGRESSIONAL DIGEST, Dec., 1927.)

Education

A meeting will be held by the House Committee on Education on January 24, to determine whether new hearings must be held on the subject of Howard University, or whether those held during the last Congress shall stand.

No action has been taken by the committees in either House on bills to create a Department of Education, but Mr. Reed, R., of Pennsylvania, made a speech on the subject in the Senate on December 6, 1928.

Elections

On January 19, the Senate, by a vote of 61 to 23, agreed to the resolution (S. Res. 112) opposing the seating of Frank L. Smith as a Senator from Illinois, which was reported out by the special Senate committee investigating campaign expenditures.

The same committee is also considering a similar resolution in regard to Mr. Vare, a Senator-Elect from Pennsylvania. Hearings will be held on the resolution shortly.

In the House, the Committee on Elections, No. 2, is still considering H. Res. 9, introduced by Mr. Garrett, Tenn., D., which concerns the election of Mr. Beck, as a representative from Pennsylvania.

Foreign Relations

Several resolutions have been introduced in the Senate dealing with conditions in Nicaragua.

Mr. Wheeler, Mont., D., introduced a resolution (S. Res. 102), calling for an investigation of the Nicaraguan situation. He also introduced (S. Res. 47) on December 12, which recommended an investigation of various concessions in foreign countries.

Mr. Heflin, Ala., D., introduced a joint resolution (S. J. Res. 57), requesting the President to withdraw United States armed forces from Nicaragua.

These resolutions have been referred to the Senate Committee on Foreign Relations, but no action has as yet been taken upon them. (See CONGRESSIONAL DIGEST, April, 1926, for a study of the Nicaraguan controversy.)

Mr. Walsh, Mont., D., introduced a bill (S. 1797), on December 15, supplementing the act of June 30, 1906, creating the United States Court for China. The bill was referred to the Senate Committee on the Judiciary. (See Congressional Digest, May, 1927, on History of American-Chinese Relations.)

Foreign Service

Inquiry into the Foreign Service Board Administration established by the Rogers Act of 1924, consolidating the

diplomatic and consular services of the Department of State, was commenced late in January by a subcommittee of the Senate Committee on Foreign Relations. Reorganization of the service has been proposed this session by Members of both Houses. (See *CONGRESSIONAL DIGEST*, January, 1927.)

Immigration

About 58 bills dealing with Immigration have been introduced in the House this session. The House Committee on Immigration has been considering the bill (H. R. 3), introduced by Mr. Johnson of Washington, which recommends deportation for certain classes of aliens. It is expected that the Committee will report out some bill on the subject in the early part of February.

Mr. Johnson has also introduced a bill (H. R. 9035) on January 10, proposing a comprehensive program for the naturalization of aliens, on which no further action has yet been taken.

Indian Affairs

Improvement of the economic and social condition of Indians under government control is the object of a number of measures before Congress. Senator King, Utah, D., who charges that the government administration has failed to improve conditions, has a resolution providing for an investigation of the Bureau of Indian Affairs. Matters concerning Indian lands and oil rights are before the committees. Increased sums for educational, health, industrial work are included in the Department of the Interior Supply Bill for 1929, passed by the House and now pending in the Senate. Presidential recommendation.

Marriage and Divorce

On December 15, 1927, Mr. Capper, Kans., R., reintroduced his bill (S. 1707) in the Senate providing for uniform regulation of marriage and divorce.

(See *CONGRESSIONAL DIGEST*, June, 1927, on the subject of a Uniform Marriage and Divorce Law.)

Mexican Propaganda

Documents, published in certain newspapers published by William R. Hearst, showing alleged payments by the Mexican government to four United States Senators for the purpose of influencing their attitude toward Mexican-American affairs, were investigated by a special committee of the Senate and found to be fraudulent. A partial report of the committee clearing the Senators mentioned and branding the documents as spurious was submitted to the Senate on January 11 by the chairman, Senator Reed, Pa., R.

Merchant Marine

Two bills of major importance on the subject of the Merchant Marine are before Congress. A bill introduced by Mr. Jones of Washington, R., provides for the building by the Government of new passenger and cargo ships and prohibits the sale of any vessel owned by the Government except by the unanimous vote of the seven members of the Shipping Board. A bill introduced in the House by Mr. Wood, Ind., R., provides for the immediate sale of useless vessels of the Government fleet; the holding for purely Government use of a second class of ships in good condition, but not needed for active use by the Shipping Board, and for the operation by the board of the rest only until they can be sold to private American interests. The Wood bill provides further for the lending of money by the Government to private American individuals and companies at a low rate of interest for the construction of new ships and directs the Postmaster General to enter into long-term contracts with American ship owners for the carrying of mail.

The Jones bill has been reported from the Committee on

Commerce and on January 16 was made the unfinished business of the Senate. The Wood bill is before the House Committee on Merchant Marine and Fisheries.

In the meantime the House, during consideration of the Independent Offices Appropriation bill, added amendments, making a total appropriation of \$13,400,000 for the reconditioning of Shipping Board vessels. Of this sum \$12,000,000 would be spent on the passenger ships "Mount Vernon" and "Monticello" and \$1,400,000 for reconditioning 30 cargo vessels for use as coal carriers.

The provisions of the Jones bill and the Wood bill are opposed to each other in that the former provides for indefinite Government operation of the Merchant fleet, while the Wood bill paves the way for a rapid abandonment of Government operation in favor of private operation by giving additional aids to private operators in the form of mail contracts and low rates of interest on money borrowed to build ships. (See *CONGRESSIONAL DIGEST*, January, 1926.)

Motor Bus Transportation

Early in the session Senator Watson, Ind., R., introduced a bill (S. 1252) to regulate interstate commerce by motor vehicles operating as common carriers, which was referred to Committee on Interstate Commerce.

On January 16 Examiner H. P. Flynn, of the Interstate Commerce Commission, made public a report recommending Federal regulation of motor buses and trucks operated in interstate commerce.

Muscle Shoals

The Senate Committee on Agriculture is holding hearings on S. J. Res. 46, introduced this session by Senator Norris, on the Muscle Shoals project. In the House the Committee on Military Affairs is also continuing its hearings on the project. On January 13 the House Committee adopted a resolution regarding the disposition of Muscle Shoals, whereby the property would at all times be "subject to the absolute right and control of the Government for the production of nitrates." (See *CONGRESSIONAL DIGEST*, October, 1922.)

National Defense

The House Committee on Naval Affairs is considering the Butler bill (H. R. 7359) for naval construction. On January 14 the committee announced that the Butler bill would be rewritten to provide for a five-year Naval building program, to be completed within eight years and which is to cost about 750 million dollars. (See *CONGRESSIONAL DIGEST*, January, 1925.)

Naval Petroleum Reserves

On January 14 the Senate passed the bill (S. 1959) introduced by Mr. Walsh, Mont., D., transferring the authority over oil and gas leases on naval petroleum reserves from the Secretary of the Interior to the Secretary of the Navy.

Norris Amendment

The Senate on January 4, passed the Norris resolution fixing the terms of the President and of Congress. The House Committee on the Judiciary, to which it was referred, substituted for it the resolution of Mr. H. B. White, Kans., R., and reported it to the House. The principal difference between the Norris and White resolutions is that the latter provides that the second session of a Congress shall not continue beyond May 4. (See *CONGRESSIONAL DIGEST*, September, 1926.)

Philippine Independence

Several bills have been introduced in previous years demanding independence for the Philippines, but no action has been taken on the floor of either House of Congress. Bills

have been submitted to this Congress, but none of them has administration backing. (See *CONGRESSIONAL DIGEST*, April, 1924.)

Prohibition

No action has been taken on the many bills introduced for the modification, enforcement or repeal of the Eighteenth Amendment by committees in either House of Congress. (See *CONGRESSIONAL DIGEST*, Oct., 1924, and June, 1926.)

Postal Rates

A bill to restore the one-cent postal rate on private mailing cards is now before the Committee on Postoffices and Post Roads of both Houses. This bill passed both Houses at the last session and was reported from conference, but failed of passage owing to the filibuster that marked the closing days of the session. (See *CONGRESSIONAL DIGEST*, Feb., 1925.)

Public Buildings

The special public buildings bill appropriating \$25,000,000 for the purchase of the so-called "Triangle" in Washington, passed both Houses of Congress early in December and was signed by the President on January 13. The land to be purchased is on the South side of Pennsylvania avenue, running from the Botanical Gardens, at the foot of Capitol Hill, to Fifteenth street, just south of the Treasury. All the present buildings, except the District of Columbia Building and the Postoffice Department Building, will be torn down to make way for the erection of Government buildings. (See *CONGRESSIONAL DIGEST*, December, 1927.)

Public Utilities

On December 17 Mr. Walsh, Mont., D., introduced his resolution (S. Res. 83), calling for an investigation of the power and light industry. Hearings on the resolutions were begun by the Senate Committee on Interstate Commerce on January 16. Senator Walsh offered a proviso to his resolution before the committee, whereby intra-State operating corporations would be excluded from the scope of the proposed investigation.

Radio

Several bills have been introduced this session in both Houses to regulate radio communication. The Senate Committee on Interstate Commerce held hearings the week of January 2 on the policies of the Federal Radio Commission.

On January 9 Mr. Watson, Ind., R., introduced his bill (S. 2317), providing: "That all the powers and authority vested in the Federal Radio Commission by the Radio Act of 1927, approved February 23, 1927, shall continue to be vested in and exercised by the commission until March 16, 1929; and wherever any reference is made in such Act to the period of one year after the first meeting of the commission, such reference shall be held to mean the period of two years after the first meeting of the committee.

"The period during which the members of the commission shall receive compensation at the rate of \$10,000 per annum is hereby extended until March 16, 1929."

Railroads

Hearings are being held by the Senate Committee on Interstate Commerce on the railroad consolidation bill (S. 1175), introduced by Senator Fess. The bill provides for the unification of railroads in this country into a number of strong systems for the general improvement of transportation conditions.

A similar bill was introduced in the House by Mr. Parker and was referred to the House Committee on Interstate and Foreign Commerce. (See *CONGRESSIONAL DIGEST*, March, 1927.)

Reforestation

The McNary-Woodruff bill for the protection of watersheds of navigable streams, and involving the problem of reforestation, provides for the expenditure of \$40,000,000 over a period of eight years. It has been reported favorably by the Senate Committee on Agriculture and Forestry. No action has been taken on the bill introduced by Senator Oddie, R., of Nevada, to promote the protection and continuous production of timber.

The House Committee on Agriculture will take up a similar bill introduced by Mr. McSweeney, D., of Ohio, the last of February. (See also *Inland Waterways*, above.)

Reclamation

On December 12, 1927, Mr. Jones, Wash., R., introduced (S. 1462) in the Senate for the adoption of the Columbia Basin Reclamation Project. The companion bill was introduced in the House on the same day by Mr. Summers, Wash., R. The Senate Committee on Irrigation and Reclamation began its hearings on the Senate bill on January 11.

Road Conferences

On January 12, the House Committee on Foreign Affairs passed the joint resolution (H. S. 107) authorizing the President to invite the International Association of Road Congresses to hold its sixth session in the United States in 1929 or 1930, and providing \$25,000 for the necessary expenses connected therewith.

The Committee also approved a joint resolution (H. S. 108) appropriating \$15,000 for expenses of the United States participation in the Second Pan-American Conference on Highways to be held at Rio de Janeiro.

St. Lawrence Canal

On January 7, the National Advisory Council for Canada endorsed the project of the joint committee of Canadian and American engineers for the construction of the St. Lawrence Canal. No formal negotiations have been entered into by the United States and Canada. The St. Lawrence commission of the United States has recommended that the two governments enter into a treaty on the project. Legislation on this subject will not be considered until diplomatic negotiations are concluded. (See *CONGRESSIONAL DIGEST*, January, 1927, and January, 1928.)

Tariff Revision

Downward revision of tariff, designed to place agriculture on a parity with industry, was recommended by Senator McMaster, S. D., R., which was adopted by the Senate on January 16, after a week of debate. The resolution was supported by Senators from the agricultural States of central northwest and by the Democrats. The resolution was sent to the House, where revenue legislation must originate, and referred to the Committee on Ways and Means. A number of tariff bills are awaiting consideration by that committee. The President has declared himself opposed to tariff reduction. (See *CONGRESSIONAL DIGEST*, January, 1928.)

Taxation

The tax bill, passed by the House, December 15, 1927, is still before the Senate Committee on Finance. No indication has been given as to when it will be reported.

(For a survey of principles of taxation and tax legislation of recent years, see the *CONGRESSIONAL DIGEST*, September, 1923, Dec., 1924; Dec., 1925, and Jan., 1928.)

Continued on page 70

EXECUTIVE DEPARTMENT

The White House Calendar

December 20th to January 20th

Addresses



On January 13 President Coolidge left Washington for Havana, Cuba, this trip marking the first occasion on which he had left the United States since becoming President.

On January 16 he addressed the International Pan American Conference at Havana. He arrived back in Washington on January 19.

President Coolidge is the fifth American President to leave the United States during his term as President.

In 1906 President Roosevelt broke a long-established precedent against a President's leaving the country, by going to the Panama Canal Zone for a three days' inspection of the work on the Canal. The Constitution does not prohibit a President's leaving the country and there is no statute against it, but for many years the supposed inhibition had been popularly, though erroneously, accepted as law.

In 1910 President Taft, under whose supervision, as Secretary of War in the Roosevelt Cabinet, work on the Canal had been going forward, became the second President to leave the country when he went to Panama and spent four days inspecting the work.

In 1918 President Wilson sailed for France to attend the Peace Conference at Paris, where he remained for six months.

In 1923, while on his trip to Alaska, President Harding stopped off at Vancouver, Canada, to pay a call on Canadian officials.

Presidential Appointments

THE Constitution of the United States (Article 11, Section 2) provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other Ministers and Consuls, Judges of the Supreme Court and all other officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by Law vest the Appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the heads of Departments."

With the steady growth of the American Government and the consequent increase in the number of officials, Congress has, in the creation of new executive departments and other Government institutions, broadened rather than restricted the appointing powers of the President by specific provisions in the laws creating new offices that the officials should be nominated by the President and confirmed by the Senate.

The result is that at the present time the President is called upon to sign thousands of commissions each year, for not only does he sign the commission of each newly appointed official within the classification of a Presidential appointment, but also signs a new commission every time a diplomatic or consular officer is transferred to another post or promoted, and a new commission for every military or Coast Guard officer who is promoted, as well as commissions for reappointment of officials whose terms of office have expired.

President Coolidge has reduced the work of commission signing to a certain degree by signing postmaster's commissions en block and authorizing the Postmaster General to sign each separate commission for him.

The principal classes of Government officers, commissions for whom the President is required by law to sign, follow:

Department of State—The Secretary, assistant secretaries, ambassadors, ministers, consuls and vice-consuls.

Department of the Treasury—Secretary, assistant secretaries, comptrollers of the currency and the Treasury, collectors of internal revenue and customs, prohibition commissioner, members of the U. S. customs court, farm loan bureau, coast guard officers, director of the budget, and the principal officers of the public health service.

Department of War—Secretary and assistant secretaries, all commissioned officers of the army and the chiefs of all military divisions and bureaus.

Department of Justice—The Attorney General and assistant attorneys general, solicitor general and solicitors of all the executive departments and all Federal judges, U. S. attorneys and marshals.

Postoffice Department—Postmaster General and assistants and all postmasters except those of the fourth class.

Department of the Navy—Secretary and assistant secretaries and all commissioned officers of the navy and chiefs of bureaus.

Department of the Interior—Secretary and assistant secretaries, heads of general land office, Indian affairs, pension office, bureau of reclamation and national park service.

Department of Agriculture—Secretary and assistant secretaries.

Department of Commerce—Secretary and assistant secretaries and heads of bureaus of the census, foreign and domestic commerce, fisheries, lighthouses, coast and geodetic survey, navigation, steamboat inspection service, patent office and mines.

Department of Labor—Secretary, assistant secretaries and heads of principal bureaus.

In addition to these classes of officials in the executive departments the President appoints nearly all of the principal officials of the various independent offices, commissions and boards which have been set up from time to time, such as the Interstate Commerce Commission, the Tariff Commission, the Federal Trade Commission, the Shipping Board, etc.

All Presidential appointments are sent to the Senate and considered in executive session. When they are confirmed by the Senate they are returned to the White House. Commissions are then made out by the Department of State for signature by the President.

The principal civilian appointments made by the President for the period December 20 to January 20, other than postmasters, are given below:

January 4—Charles Burton Robbins, Iowa, Assistant Secretary of War.

January 4—James Damron, United States Attorney, southern district of West Virginia.

January 4—Thomas J. Harkins, United States Attorney, western district of North Carolina.

January 4—Edwin L. Gavin, United States Attorney, middle district of North Carolina.

January 4—Harry A. Weiss, United States marshal, northern district of West Virginia.

January 4—Joseph John Jenkins, United States marshal, middle district of North Carolina.

January 9—Jacinto Texidor, Porto Rico, associate justice of the Supreme Court of Porto Rico.

January 9—Charles Joseph Riley, Missouri, district attorney for the Canal Zone.

January 13—Reese Q. Lillard, Tennessee, United States marshal, middle district of Tennessee.

Proclamations

January 10—A proclamation establishing new boundaries for the Chaco Canyon Monument, New Mexico.

January 11—A proclamation of Convention signed at Washington December 9, 1925, between the United States and Belgium, to aid in the prevention of smuggling liquors into the United States.

Executive Orders

FOR the period, December 20 to January 20 the President signed 15 executive orders. Those not listed below were for the transfer of clerks from one executive department to another, exemption of the application of civil service regulations and for other purposes not of public interest.

December 20—An executive order setting aside lands for military airplane landing fields at Regan Barracks and Post Area, Philippine Islands.

December 29—An executive order revoking in part, the executive order 4219, May 8, 1925, withdrawing for survey certain public lands in Wyoming.

December 31—An executive order directing that the records and files of the Wheat Director, in custody of the Grain Corporation, be transferred to the Department of Commerce.

December 31—An executive order accepting the final accounting of the Liquidating trustee of the U. S. Grain Corporation and authorizing its dissolution.

December 31—An executive order directing that records and files of the Flood Administration now in custody of the U. S. Grain Corporation be transferred to the Department of Commerce.

December 31—An executive order directing the records and files of the U. S. Grain Corporation be transferred to the Department of Commerce.

January 3—An executive order prescribing rules for the District of the Canal Zone relating to clerks, the bonds to be given by them and the handling and deposit of money paid into the registry of the Court.

January 4—An executive order withdrawing certain tracts of lands in Idaho for use of the Department of Commerce in the maintenance of air navigation facilities on the Salt Lake-Pasco Airways.

Messages to Congress

IN addition to his annual message on the state of the Union, the President sends frequent messages to Congress during its session. Many of these are of a perfunctory nature, transmitting reports and other documents from the various executive departments requested by Congress. Others have to do with requests for appropriations to meet special claims against the Government or to defray the expenses of special Governmental activities not provided for in the regular annual appropriation bills.

January 4—A message transmitting reports of the Navy Department on safety devices for submarines.

January 4—A message transmitting a report from the Secretary of State on the plans of the International Society for Exploration of the Arctic Regions by Means of the Airship for the establishment of geophysical observations of the inner Arctic regions.

January 4—A message transmitting a report of the Secretary of State requesting authority to invite the Permanent International Association of Road Congresses to hold their sixth session in the United States, either in 1929 or 1930.

January 4—A message transmitting a report of the Secretary of State on claims for damages arising out of the occupation of Vera Cruz, Mexico, by American troops in 1914.

January 4—A message transmitting a report of the Secretary of State on the claim of the British Government for damages on account of the death of Reginald Ethelbert Myrie on the Panama Canal Zone, February, 1921.

January 4—A message transmitting a report of the Secretary of State on two claims of the Government of China for damages done by American military and naval forces.

January 4—A message transmitting a report of the Secretary of State on a claim of Richard L. Sprague, American consul at Gibraltar, for reimbursement for expenses incurred by him in providing relief for the crew of the American steamer Kanabec.

January 4—A message, at the request of the Governor of Hawaii, made through the Secretary of the Interior, asking authority to invite the Government of Great Britain and the Governments of certain of the British Dominions to the celebration at Honolulu of the Sesquicentennial of the discovery of the Hawaiian Islands, in August, 1928, and to provide for the participation of the United States therein.

January 5—A message transmitting a report of the Secretary of State requesting authority to accept the invitation of Great Britain to send representatives to the Eighth International Dairy Congress to be held in England June-July, 1928.

January 5—A message transmitting a report of the Secretary of State on the claims of the Government of Norway for representation of American interests in Russia.

January 13—A message transmitting a report of the Secretary of State asking the amendment of the passport act so that passport fees erroneously collected may be returned.

January 13—A message transmitting a report of the Secretary of State requesting authority for participation by the United States in the Second International Emigration and Immigration Conference at Havana, Cuba, March, 1928.

January 20—A message transmitting a report of the Secretary of State recommending an appropriation for the relief Marion Letcher, American Consul General at Copenhagen, Denmark, for funds stolen from the Consulate for which the Consul is responsible.

Uncle Sam's Book Shelf



EST sellers occupy a place on the shelves of the Superintendent of Documents, bookseller for the Government Printing Office, largest book publisher in the world, as well as in the stores where fiction of the month is featured.

"Flood Control in the Mississippi," a volume containing the report made to the 70th Congress by Major General Edgar Jadwin, Chief of Engineers, United States Army, is among the recent best sellers from "Uncle Sam's Book Shelf." The report is sold for twenty-five cents by the Superintendent of Documents.

Copies of "A Guide to American Battlefields in Europe," issued specially for the use of the American Legion in France, are again available in limited quantity, according to an an-

nouncement just made by the Superintendent of Documents. An unexpectedly large demand exhausted the supply several months after publication. The guide, containing 282 pages and numerous maps, is sold for seventy-five cents a copy.

UNCLE SAM'S publishing house and book store distributes 60,000,000 publications yearly on almost every imaginable subject, drawing material from every branch of the Government. The cost of publishing, annually amounting to approximately \$12,000,000, represents only a small part of the cost of the preparation of these leaflets, pamphlets and books. A sum, which cannot be estimated, but which probably reaches a total many times the amount spent in publishing, is spent in gathering and investigating facts and arranging them for the use of the public.

A Selected List of Publications of General Interest Issued by the Federal Government During the Month

Agriculture

Bird Life

"The Magpie in Relation to Agriculture;" by E. R. Kalmbach. (Agriculture Technical Bulletin 24.) Price, 10 cents. Covers distribution of the magpie, life history, food habits, control measures, yellow-billed magpie, etc.

Chicken Feeding

"Feeding Chickens;" by M. A. Juli and A. R. Lee. (Farmers' Bulletin 1541.) Price, 5 cents. Covers nutrition and metabolism, composition of feeds important, requirements of satisfactory rations, basic principles of feeding, feeding chicks.

Cotton

"Acala Cotton a Superior Upland Variety from Southern Mexico;" by O. F. Cook and C. B. Doyle. (Agriculture Circular 2.) Price, 20 cents. Covers origin and status of variety, supplies of acala seed, production in pure-seed communities, searching for weevil-resistant varieties, etc.

Dry Land Farming

"Dry Farming Methods and Practices in Wheat Growing in the Columbia and Snake River Basins;" by Byron Hunter. (Farmers' Bulletin 1545.) Price, 10 cents. Covers dry-farming districts in the Pacific Northwest, sources of information, description of the region, purpose of summer fallowing, etc.

"Settlers' Progress in Dry-Land Farming in Eastern New Mexico;" by E. O. Wooton. (Agriculture Circular 4.) Price, 10 cents. Covers method by which farms were obtained, size of farm and use of land, crops grown and average yield.

Extension Service

"Extension Service Handbook on Agriculture and Home Economics;" compiled and edited by T. Weed Harvey. (Agriculture Department.) Price, \$2.50. Covers general, extension, agricultural economics, agricultural engineering, etc.

Fruit Pruning

"Varietal Characteristics of Plums in the Pacific States in Relation to Pruning;" by C. F. Klinman. (Agriculture Bulletin 1477.) Price, 45 cents. Covers importance of pruning operations, explanations of terms used, growing habits of plum trees in relation to pruning, etc.

Livestock Farming

"Systems of Livestock Farming in the Black Prairie Belt of Alabama and Mississippi;" by M. A. Crosby and R. D. Jennings. (Farmers' Bulletin 1546.) Price, 10 cents. Covers description of area, possibilities for agricultural readjustment, Johnson grass hay as a cash crop, livestock production, etc.

Standards for Farm Products

"National Standards for Farm Products;" by Lloyd S. Tenny. (Agriculture Circular 8.) Price, 15 cents. Covers beginning of work, relation between trade and price, testing of standards, advantages of a common language, etc.

Tobacco

"Fertilizer Tests with Flue-Cured Tobacco;" by E. G. Moss and others. (Agriculture Technical Bulletin 12.) Price, 15 cents. Covers introduction, experimental data, discussion of results, summary, etc.

Army and Navy

Boats of the Navy

"The Boat Book of the United States Navy, 1927." (Navy Dept.) Price, cloth, 85 cents. Covers introduction, boats in general, boat gear and equipment, lifeboats, drills and exercises, miscellaneous information and instructions, meaning of flags, pennants, and signs, visual call system and transmission of signals by flags, and signals.

National Guard

"Manual of Basic Training and Standards of Proficiency for the National Guard, Vol. II, Infantry, the Rifle Company." (War Department Militia Bureau Document 918.) Price, \$1.25. Covers drills, extended order, the rifle squad, section and platoon, scouting and patrolling, musketry, the service kit, etc.

Safety Standards

"Safety Standards for the Protection of the Head, Eyes, and Respiratory Organs." (Secretary's Office, Navy Yard Division.) Price, 15 cents. Covers general requirements, classification of apparatus and specifications, and discussion.

Education

"Nursery-Kindergarten-Primary Education in 1924-1926;" by Mary Dabney Davis. (Education Bulletin 1927, No. 28.) Price, 10 cents. Covers nursery school education, programs and staffs, workers' conference, education of parents a part of the nursery-school program, courses for parents, etc.

Foreign Commerce

"Foreign Commerce and Navigation of the United States for Calendar Year 1926, Volume 1." Price, \$1.75. Covers explanation of statistical tables of foreign commerce, classification of countries, list of customs districts, headquarters, and ports of entry.

Export Duties

"Export Duties of the World." Foreign Tariff Series 42.) Price, 35 cents. Covers currencies of foreign countries, foreign

units of weight and measure, export duties by commodity groups, and export duties by countries.

British Guiana

"The Guianas, Commercial and Economic Survey;" by M. J. Meehan. (Trade Information Bulletin 516.) Price, 10 cents. Covers British Guiana, distribution of population, labor and wages, climatic conditions, forest products, etc.

Colombia

"Trading Under the Laws of Colombia;" by Joaquin Servera. (Trade Promotion Series 53.) Price, 10 cents. Covers political and judicial organization, sales, acknowledgments, negotiable instruments, mercantile and industrial corporations, etc.

India

"Electrical Equipment Market in India." (Trade Information Bulletin 513.) Price, 10 cents. Covers general and geographical, industries, irrigation, population and language, weights, measures, and currency, etc.

Latin-American Finances

"Latin American Budgets: pt. II. Chili, Peru, Bolivia, and Ecuador;" by Jas. M. Corliss. (Trade Information Bulletin 517.) Price, 10 cents. Covers Chile, budget system, Peru, the budget law, Bolivia, revenues and expenditures, Ecuador, budget system, etc.

Forests and Forest Products

"American Forests and Forest Products." (Agriculture Statistical Bulletin 21.) Price, 45 cents. Covers forest statistics of United States, national lumber tables, State tables of lumber production, etc.

Water Retention in Forests

"Forests and Water in Light of Scientific Investigation;" by Raphael Zon. (United States Forest Service.) Price, 20 cents. Covers methods of determining the influence of forests upon stream flow, results by physical method, results by hydrometric method, etc.

Wood-Using Industries

"Standards and Specifications in the Wood-Using Industries. Nationally Recognized Standards and Specifications for Wood and Manufacturers Thereof, Including Paper and Paper Products." (Standards Miscellaneous Publication 79.) Price, cloth, \$1.50.

Fur Animals

Beaver and Mink Culture

"Beaver Habits and Experiments in Beaver Culture;" by Vernon Bailey. (Agriculture Technical Bulletin 21.) Price, 20 cents. Covers description and habits, damage by beavers, beaver control, beaver culture, etc.

"Mink Raising;" by Frank G. Ashbrook. (Agriculture Leaflet 8.) Price, 5 cents. Covers description and habits of minks, selecting a ranch site, pens and dens, breeding, mating, feeding, management, killing and pelting.

Rabbit Houses

"Rabbit-House Construction." (Agriculture Leaflet 15.) Price, 5 cents. Covers construction details of a rabbit house, construction details of a rabbit hutch, with slanting-board floor, construction details of rabbit hutch with wire floor, etc.

Home Economics

(See Agriculture)

Accounting

"Planning and Recording Family Expenditures;" by Chase G. Woodhouse. (Farmers' Bulletin 1553.) Price, 5 cents. Covers classification of family income and expenditures, forms for making a plan for family expenditures, how to keep a record of family expenditures, etc.

Cleaning

"Cleaning of Fur and Leather Garments;" by M. H. Goldman, and C. C. Hubbard. (Standards Technologic Papers 360.) Price, 10 cents. Covers preparation of fur and leather, methods of cleaning fur and leather, acknowledgments, etc.

Cooking

"Cooking Beef According to the Cut;" by Lucy M. Alexander and Fanny Walker Yeatman. (Agriculture Leaflet 17.) Price, 5 cents. Covers tender and less tender cuts, cooking broiled steak, rib roast of beef, stuffed flank steak, etc.

Internal Revenue

"Internal Revenue Bulletin, Cumulative Bulletin VI-1. Janu-

ary to June, 1927." Price, 40 cents. Covers introductory notes, rulings Nos. 3027-3291, income tax, sales tax, estate tax, miscellaneous tax, etc.

Labor

Glass Industry

"Productivity of Labor in the Glass Industry." (Labor Bulletin 441.) Price, 40 cents. Covers industrial revolution in the glass industry, bottles and jars, pressed and blown ware, window glass, plate glass, etc.

Hosiery and Underwear Industry

"Wages and Hours of Labor in the Hosiery and Underwear Industries, 1907 to 1926." (Labor Bulletin 452.) Price, 15 cents. Covers overtime, bonus systems, 1926; time workers and piece workers, 1926, etc.

Manufacturing

Enamel Slips

"Controlling the Consistency of Enamel Slips;" by W. N. Harrison. (Standards Technologic Papers 356.) Price, 15 cents. Covers review of literature, method of study, laboratory test methods and results, factory test methods and results, etc.

Lime

"Manufacture of Lime." (Standards Circular 337.) Price, 45 cents. Covers general discussion, process and economy of manufacture of quicklime, heat utilization and efficiency, process of manufacture of hydrated lime, etc.

Thermometer

"A Superheat Meter or Differential Thermometer for Airships;" by D. H. Strother and H. N. Eaton. (Standards Technologic Papers 359.) Price, 10 cents. Covers definition of superheat derivation of formulas, magnitude of superheat experienced, methods of measuring superheat, etc.

Merchant Marine

"Seagoing Vessels of the United States, 1927." (Part 6 of 50th Annual List of Merchant Vessels for year ending June 30, 1927.) Price, 60 cents.

Mineral Industries

Iron

"Magnetic Concentration of Iron Ores of Alabama;" by Oscar Lee and others. (Mines Bulletin 278.) Price, 20 cents. Covers magnetic concentration of high-silica red ores, magnetic concentration of high-silica gray hematite of Talladega County, Alabama, flotation of limestone from siliceous gangue, etc.

Petroleum

"Safe Practices at Oil Derricks;" by H. C. Miller. (Mines Technical Paper 419.) Price, 15 cents. Covers traveling equipment in the derrick, pipe tools, drilling wells, pumping and pulling wells, use of mud fluid and cement, etc.

Steel

"Deterioration of Steels in the Synthesis of Ammonia;" by J. S. Vanick and others. (Standards Technologic Papers 361.) Price, 15 cents. Covers experimental procedure, results of tests upon plain carbon steels and others containing usual amounts of nickel, discussion of the chemical reactions promoting or retarding the deterioration, etc.

Trade Practices

"Trade Practice Conferences, September 15, 1927." (Federal Trade Commission.) Price, 15 cents. Covers anti-hog cholera serum virus, band instrument manufactures, butter manufacturers (Southwest), correspondence schools, etc.

Waterways

"Rules and Regulations Relating to the Navigable Waters of the United States, with Exception of those for Northern and Northwestern Lakes and their Connecting and Tributary Waters. Printed in United States Lake Survey Bulletin." (Office Chief of Engineers, Revised to July 1, 1927.) Price, 50 cents.

American River

"Report to the Federal Power Commission on the Uses of the American River, California." (Federal Power Commission.) Price, 15 cents. Covers general description of the American river basin, description of power possibilities in American river basin, irrigable lands upon American drainage area, etc.

JUDICIAL DEPARTMENT

Chief Justice of the United States—HON. WILLIAM HOWARD TAFT.

Associate Justices of the Supreme Court of the United States

HON. OLIVER WENDELL HOLMES,
HON. WILLIS VAN DEVANTER,
HON. JAMES CLARK McREYNOLDS,
HON. LOUIS DEMBITZ BRANDEIS,

HON. GEORGE SUTHERLAND,
HON. PIERCE BUTLER,
HON. EDWARD TERRY SANFORD,
HON. HARLAN FISKE STONE.

The Month in The Supreme Court

December 20th to January 20th



On December 12 last the Supreme Court adjourned for its regular three weeks' recess until January 3, 1928, when it reconvened. The Court rendered decisions on January 3, 9, and 16. On these three decision days the Court decided 34 cases. Of these, 21 were decided with opinions and 13 were decided without opinions. The latter are known as "per curiam" decisions, meaning decisions by order of the Court.

In addition, the Court decided 25 "certiorari" cases which were submitted during this period. These are cases petitioning the Court to review the decision of the lower court. Of these, 22 were denied a review, and 3 were granted a review. The certiorari cases are almost always decided "per curiam," or without opinion by the Court.

The Court also passed on 37 motions of various kinds during this period. Seventy-nine attorneys were admitted to practice before the Court.

State Laws Upheld

1. Missouri Insurance Order

THE Superintendent of the State of Missouri ordered a reduction of 10 per cent in the rates charged by the stock, fire, lightning, hail and wind storm insurance companies in the State. The order was based on an investigation of the business done by the companies for a period of five years. The insurance companies objected to the reduction, claiming that a wrong theory of income and expenditure was used in ordering the reduction. The Supreme Court of Missouri upheld the order of the Superintendent, and all the insurance companies doing business in the State joined in bringing the case to the Supreme Court of the United States. They claimed that the rates were unreasonable and confiscatory, and deprived them of property without due process of law.

On January 3, 1928, the issue was decided against the insurance companies. Mr. Justice Butler delivered the opinion of the Court. The Court held that there was no Federal question involved in the case since it was not shown that the rates were unreasonable or confiscatory as applied to any one of the insurance companies which joined in the complaint. The case was therefore dismissed with costs. (Case No. 112—Aetna Insurance Company and others v. Ben C. Hyde, Superintendent of Insurance of Missouri.)

2. Missouri Commission Merchant Law

IN 1925 Missouri passed a law regulating commission merchants in farm products. Under the terms of the law the merchants were to pay a license fee, to file a bond guaranteeing the payment of the proceeds of their sales to the consignors of the farm products, and to keep their books open for the inspection of the State Marketing Commissioner.

The Kansas City Hay Company and other commission merchants contended that the act was unconstitutional as an interference with interstate commerce, since 95 per cent

of the hay coming into Kansas City for sale by them came from outside the State, and left the State in the same cars. They also claimed that requiring them to keep their books open for inspection was an unreasonable search and seizure contrary to the Fourth and Fifth Amendments.

The Missouri courts sustained the act, and the case came to the Supreme Court of the United States on a writ of error. On January 16, 1928, the Supreme Court affirmed the decision of the Supreme Court of Missouri, without an opinion. (Case No. 155—Bryant Arnold, doing business as Kansas City Hay Company, and others, v. Forest Hanna.)

3. The Martin Act of New York

NEW YORK passed an act authorizing the Attorney General of the State to investigate fraudulent practices of dealers in securities, and in doing so to take testimony, subpoena witnesses and require production of books and papers of those investigated. The Act also provided that whenever the Attorney General believes that any person has been guilty of fraudulent practices in dealing in securities, he may bring action to enjoin such practices, and that refusal to testify before the Attorney General shall be prima facie evidence against the defendant, and the courts may issue a preliminary injunction.

Under the provisions of this Act the business of Ernest F. Dunham, a stock broker of New York City, was investigated. He refused to testify and questioned the constitutionality of the Martin Act in the courts. The New York courts held the Act valid, and Dunham brought the case to the Supreme Court of the United States on a writ of error.

On January 16, 1928, the Supreme Court dismissed the case without an opinion for the reason that there was no substantial Federal question involved, thereby upholding the decision of the New York courts. (Case No. 180—E. F. Dunham v. Albert Ottinger, Atty Gen'l of New York.)

Powers of Interstate Commerce Commission Upheld

THE Dering Coal Company petitioned the Interstate Commerce Commission for an order to require the Cleveland, Cincinnati, Chicago and St. Louis Railway Company to construct a switch connection between the siding of the coal company and the line of the railway, the expense of the connection to be borne by the coal company. The railroad brought suit to set aside the order of the Commission, claiming that jurisdiction over side, spur and industrial tracks is reserved to the States and that prior proceedings in the Illinois courts resulted in a decision that the railroad was not bound to construct such tracks for a private person. The U. S. District Court held in favor of the Interstate

Commerce Commission, and the railroad took a direct appeal to the Supreme Court of the United States.

On January 3 Justice Brandeis delivered the opinion of the Court in the case, wherein the decree of the lower court upholding the powers of the Commission was affirmed. The opinion stated that the Interstate Commerce Commission may order a railroad to construct side, spur or industrial tracks to meet the needs of a private person. It also held that the Commission was not bound by prior proceedings in the Illinois courts which had upheld the contentions of the railroad. (Case No. 95—Cleveland, Cincinnati, Chicago & St. Louis Railway Co. v. U. S. and Dering Coal Co.)

Cases Affecting Rights of Seamen

1. Prohibition of Advance Payments of Wages

JACKSON and four other seamen joined a British ship at Manchester, England, for a voyage to New York and back. They received an advance of wages, which advance payments were permitted under the British law. On arriving in New York they demanded one-half the wages earned, not considering the advance payments made to them in England. They based their demand on Section 34 of the Jones Act of 1920 which prohibited advance payments of wages to seamen whether made within or without the United States.

The steamship company contended that the advance payments made to the seamen abroad should be considered in their settlement for wages demanded in New York. The trial court and the Circuit Court of Appeals sustained the company and the seamen brought the case to the Supreme Court of the United States on a writ of certiorari.

On January 3 Justice Sanford delivered the opinion of the Court in the case, affirming the decree of the lower courts. The Court held that the prohibition against advance payments to seamen, embodied in the Merchant Marine Act of 1920, does not apply to advances made on a foreign vessel in a foreign port and such advances may be deducted in the

settlement of the seaman's wages in a domestic port. (Case No. 103—Jackson et al. v. Steamship "Archimedes.")

2. Penalty for Wrongful Discharge Interpreted

Donald J. Adams was wrongfully discharged from his vessel. In accordance with the Act of June 7, 1872, he was paid his wages earned up to that time and also for one month extra. After that, Adams brought suit against the steamship company for breach of his contract of employment.

The owners of the vessel contended that Adams had been paid in full in accordance with the terms of the statute. The lower courts, however, held that the statute provided only for a penalty for the wrongful discharge, which did not destroy the seaman's right to damages for ordinary breach of contract. The company brought the case to the Supreme Court of the United States on a writ of certiorari.

On January 3, Mr. Justice McReynolds delivering the opinion of the Court. The decree of the lower court was reversed. The Court held that when the discharged seaman had been paid wages earned up to the time and for one month extra, he cannot in addition recover damages for breach of his contract of employment. (Case No. 106—U. S. Steel Products Company et al. v. Donald J. Adams.)

Shipping Board Emergency Fleet Corporation Entitled to Government Rates on Telegrams and Cables

IN 1867, the Western Union Telegraph Company accepted the benefits and assumed the obligations of the Post Roads Act, and thereby became obligated to give priority to "telegrams between the several departments of the Government and their officers and agents," at rates to be annually fixed by the Postmaster General. The rates charged the public are generally known as "commercial rates," while those fixed by the Postmaster General are known as "Government rates," and are considerably lower than the commercial rates. Since 1867 the Western Union charged the lower Government rates to the various executive departments and also to many of the independent agencies of the Federal Government.

The U. S. Shipping Board Emergency Fleet Corporation was organized in 1917 and from that time until 1922 the Western Union transmitted its messages at Government rates. In 1922 the Western Union notified the Board that

the Government rates were not applicable to it and that thereafter the commercial rates would be charged.

The Board refused to pay the commercial rates and the telegraph company brought suit against the Board in the Supreme Court of the District of Columbia. The Court held in favor of the telegraph company, and the judgment was affirmed by the Court of Appeals of the District of Columbia. The Government brought the case to the Supreme Court of the United States on a writ of certiorari.

On January 3 the Court reversed the holding of the District of Columbia Courts. Justice Brandeis delivered the opinion, holding that under the Post Roads Act the Western Union was obliged to charge the lower Government rates to the U. S. Shipping Board Emergency Fleet Corporation, as an agency of the Government of the United States. (Case No. 113—United States Shipping Board Emergency Fleet Corporation against Western Union Telegraph Co.)

Cases Affecting Rights of Railroad Workers

1. Brakeman Cannot Recover for Alleged Negligence

WELLS was employed as a brakeman on the Gulf, Mobile and Northern Railroad. While boarding a train, he stumbled on a piece of coal left near the tracks, fell and broke his knee cap. He claimed the injury resulted from the negligent act of the engineer in suddenly jerking the train.

Wells brought suit in the State Court and claimed compensation for the injuries suffered. The railroad defended on the ground that if Wells had any cause of action at all, he should have brought it under the Federal Employers Liability Act, since at the time of injury he was engaged in interstate commerce. It also contended that there was no negligence on the part of the engineer, because the jerk was caused by the ordinary slack between cars, which is a necessary incident to the operation of a train, and for which the railroad cannot be held liable.

The Mississippi Courts gave judgment for Wells, holding that the sudden jerk constituted negligence. The railroad company brought the case to the Supreme Court on a writ of certiorari.

On January 3 the decision of the Mississippi Court was reversed. Mr. Justice Sanford, delivering the opinion of the Court, held that there was not sufficient evidence of negligence upon which the jury could have found in favor of Wells. (Case No. 39—Gulf, Mobile and Northern Railroad v. W. F. Wells.)

2. Station Master Assumes Risk of Employment

MARY I. AEBY was employed as station master for the Missouri Pacific Railroad Company at Magness, Ark. On an early January morning, after having placed a truck in position to receive mail, and while returning to the station platform, she slipped on the icy platform, fell and was injured.

She brought suit in the Missouri Courts under the Federal Employers Liability Act claiming that the railroad had been negligent in the careless construction of the platform,

which rendered the place dangerous when snow and sleet gathered there. The railroad defended on the ground that it could not have known of the ice formations which occurred during the previous night, and furthermore that Miss Aeby had assumed the risks of her employment because the construction of the platform was obvious to any one.

The courts held in favor of Miss Aeby, and she won a verdict for \$15,000. The railroad brought the case to the Supreme Court of the United States on a writ of certiorari.

On January 3 the judgment of the lower court was reversed. Mr. Justice Butler, delivering the opinion of the Court, held that when Miss Aeby accepted the employment in question she assumed the risk of being injured in the manner alleged. (Case No. 100—Missouri Pacific Railroad Company v. Mary I. Aeby.)

3. Railroad Wins Appeal in Injury Case

L. G. TOUCHSTONE was employed as a brakeman by the Gulf, Mobile and Northern Railroad Company. While engaged at night in the railroad's yard at Laurel, Miss., he stumbled on a large lump of coal, which caused him to fall, whereupon his toes were crushed under the wheels.

He brought suit under the Federal Employers Liability Act claiming that the company was negligent in allowing coal and cinders to accumulate in the yard and that this negligence made the place unsafe for the employees. The railroad defended on the ground that Touchstone had seen the coal in the yard before the accident and that he therefore assumed the risk of being injured thereby. The Mississippi Courts held in favor of Touchstone and the railroad brought the case to the Supreme Court of the United States on a writ of certiorari.

On January 16, the Supreme Court reversed the judgment of the State Courts, without an opinion, on the authority of Jacobs v. Southern Railway Company, 241 U. S. 229. (Case No. 179—Gulf, Mobile and Northern Railroad v. L. G. Touchstone.)

Cases Relating to Powers of the Federal Courts

1. Interpretation of Federal Probation Act

IN the cases of *United States v. Glenn Murray*, and *Frederick A. Cook v. United States*, an interpretation of the Federal Probation Act was involved. The two cases were considered together by the Supreme Court, the Murray case coming to it on certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and the Cook case coming on a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On January 3, Mr. Chief Justice Taft delivered the opinion of the Court in these cases, in which it was held that the Federal Probation Act did not authorize the courts to put a person on probation after he had already begun to serve his sentence. (No. 394—United States against Glen Murray and Case No. 539—Frederick A. Cook v. U. S.)

2. Court May Not Set Aside a Judgment After Term in Which It Was Rendered

DAVID AND HARRY GINSBERG brought action against the Delaware, Lackawanna and Western Railroad for wrongful death of their relative, killed in an automobile accident at a grade crossing in New Jersey. The

first trial resulted in a verdict for Ginsberg, but the verdict was set aside because it was discovered that one of Ginsberg's witnesses had testified falsely. The second trial resulted in favor of the railroad, and on appeal the judgment was affirmed by the Circuit Court of Appeals, Third Circuit.

After the term of court, it was discovered that the same witnesses had testified falsely in favor of the railroad, for which reason the trial court, the U. S. District Court in New Jersey, set the judgment aside and ordered a new trial. The railroad petitioned the Circuit Court of Appeals to issue a writ of mandamus to the District Court compelling it to reinstate the judgment in its favor. This the Circuit Court held it could not do, and the railroad brought the case to the Supreme Court on a writ of certiorari.

On January 16, Mr. Justice Holmes rendered the opinion of the court in the case, reversing the Circuit Court of Appeals. The Supreme Court held that a court cannot set aside a judgment after the term of court in which the judgment was rendered, and that a writ of mandamus was the proper remedy to compel the court to reinstate that judgment. (Case No. 141—Delaware, Lackawanna and Western Railroad Company v. U. S. District Court in New Jersey.)

Glossary of Mississippi River Terms

Continued from page 50

FLOOD STAGE. That stage of a stream when the water reaches a height that causes it to overflow its banks.

FLOODWAY. A channel for carrying off flood waters at a given point in a stream.

IMPOUNDING. Storing of water as in a reservoir.

JETTY. A parallel dike to congest water to give better depths for navigation in the main channel of a stream. More particularly applied to the mouth of the stream or at a harbor entrance.

LEVEE. Originally a French work equivalent to "dike" and used on the Mississippi River to describe the high earth walls on either side of the river for confinement of floods.

LEVEE BOARD. A county or State board charged with the local construction, care and maintenance of levees.

LEVEE DISTRICT. The territory covered by a levee board.

MAXIMUM FLOOD. The highest point a stream has reached or may be expected to reach.

MISSISSIPPI DRAINAGE BASIN. This term is used to describe all the territory lying between the Appalachian and Rocky Mountains.

MISSISSIPPI RIVER COMMISSION. A commission created by act of Congress in 1879. (See p. 50 this number.)

MISSISSIPPI VALLEY. Another term used to describe the Mississippi Drainage Basin.

PARISH. The term used in Louisiana for county.

RECLAMATION. Commonly used to describe the making fertile of previously unfertile land. In the case of arid land, reclamation is by storing water and using it for irrigation; in the case of swamp land, by drainage.

REFORESTATION. Replanting with trees.

REPORT OF SPILLWAY BOARD. What is known as the report of the Diversion Board, composed of four members of the Mississippi River Commission, appointed under authorization from Congress to study and report on the value of diversion channels or spillways as flood preventatives, for the

information of the Chief of Engineers, U. S. A. The report was submitted to General Jadwin August 31, 1927.

The report declares the diversion of water from the Mississippi between Cape Girardeau and the Arkansas River impracticable on account of excessive cost as compared with the cost of equal protection by increased height of levees. It recommends that detailed surveys and estimates be made as to the cost of diversion at Cypress Creek, 25 miles below the mouth of the Arkansas River, as it appears from the Board's investigations "that greater security can be afforded at less cost by this method than by means of levees without diversion."

REPORT ON IMPROVEMENT OF MISSISSIPPI RIVER FOR NAVIGATION. The report on the feasibility of improving the Mississippi from Cairo to Old River for navigation was made by a board of the Mississippi River Commission on August 31, 1927. Its conclusions were that "any program of deepening the channel of the Mississippi by dredging alone would involve expenditures of many millions annually, would be temporary at best, and would fail to have any material influence on flood heights."

A board was also appointed to study the general question of reservoirs with respect to the entire Mississippi River problem from its source to its mouth, but it has not, so far, made a report.

RESERVOIR. A depository for holding water.

REVENTMENT. Protection work along banks to prevent caving of banks, commonly constructed on the Mississippi with willow mattress within concrete blocks. Same as bank protection.

RIGHTS OF WAY. Ground on which, and from which, the levee is built.

SERVITUDE. Natural rights to river use.

SPILLWAY. The structure for abstracting water from main river and through which it flows into a floodway or a spillway.

STABILIZATION. Fixing of banks by revetment.

WATERFALL. Rainfall.

WATERSHED. Drainage basin.

Pro—Continued

MISSISSIPPI RIVER COMMISSION

Continued from page 54

may be equitable, it is deemed to be impracticable as the benefits accrue to certain States at the expense of the others.

The commission believes that protection of lands of small value, except for timber, and basins of small area will be discouraged by a requirement of local participation in cost, as outlined.

The commission is aware that its operations in the past have been at times hampered through the failure of some levee districts to furnish assurance of their share of the funds needed for levee work, thus adversely affecting the prosecution of the work, but believes that the advantages derived from local participation in costs would more than compensate for such disadvantages.—*Extracts, see 2, p. 70.*

Con—Continued

CHAMBER OF COMMERCE OF THE U. S.

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side be considered for one moment in temporizing with this great national problem.

I think no one is unaware of the necessity for a broader, more scientific and more efficient governmental policy for our great system of waterways. However, here is an immediate problem in the lower Mississippi Valley directly affecting a million Americans, and indirectly affecting not only all American industry by its effect on our markets and raw materials but affecting every consumer in the United States by its effect on prices. You break down our transportation system, you break down our lumber industries, you break down our fish industry, you break down our fur industry,

Continued on next page

A Summary of the Mississippi River Commission's Recommendation for the Control of Floods

Continued from page 49

The estimated cost of such a project, based upon local co-operation, is as follows:

Levees	\$150,000,000
Bank revetment	75,000,000
Bonne Carré spillway.....	\$11,500,000
Atchafalaya flood way.....	52,500,000
Tensas flood way.....	107,000,000
 Dredging, 5 years at \$700,000.....	 \$171,000,000
Surveys, administration, etc.....	3,500,000
	8,000,000
	<hr/>
	\$407,500,000

Pending action on the comprehensive plan, the Commission recommends adoption at the earliest practicable date of a project to provide for the prosecution of work on the essential items listed above, at the rate of \$25,000,000 the first year, and thereafter \$40,000,000 per year.

The Commission report expresses the firm opinion that some degree of financial co-operation is essential to a successful accomplishment of a flood control project, on the ground that without local sharing in the cost the Federal Government will be confronted by inordinate demands for flood control work not needed nor justified.

Paragraph News of National Issues

Continued from page 61

Veterans

Many bills have been introduced in both Houses to amend the World War Veterans Act of 1924. The House Committee on World War Veterans Legislation reported out (H. R. 500) the Disabled Emergency Officers' Bill, on January 20. A subcommittee of this committee has also held hearings on the Luce Hospital Bill (H. R. 5604), which has not yet been reported.

Woman's Equal Rights Amendment

Senator Curtis has reintroduced his joint resolution (S. J. Res. 64), providing for a constitutional amendment giving men and women equal rights. The resolution was referred to a subcommittee of the Senate Judiciary Committee, but no action has thus far been taken this session. (See CONGRESSIONAL DIGEST, March, 1924.)

World Peace

The proposal made by M. Briand, French Minister of Foreign Affairs, to the United States, outlawing war between the two nations, has evoked considerable discussion. Senator Borah, Idaho, R., chairman of the Senate Committee on Foreign Relations, made a public statement in which he suggested that the proposed plan be extended to include the other great powers.

Many resolutions have been introduced in both Houses this session, to outlaw war. Among these is the one (H. J. Res. 163) introduced by Mr. Somers, N. Y., D., on January 13, proposing to set up a tribunal somewhat like the Supreme Court of the United States, for the settlement of disputes among the nations of the Western Hemisphere. The resolution was referred to the House Committee on Foreign Affairs.

Chamber of Commerce of the United States

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you endanger foreign shipping from our second greatest port, you break down the protection of 18,000 square miles of the richest agricultural soil in the country, and can you imagine that it does not have some effect on every producer and consumer in this country?

We have not tried to lay out a plan, but we have undertaken to recommend certain basic principles which we believe to be essential. There are but two courses open. Either the work must be done at Federal expense and under Federal control, or it will be left undone. In that case the local people will fight a losing battle against a superior foe, receiving from time to time such healing of their wounds and resuscitation from physical and financial exhaustion as the generosity of the American people will supply. We cannot contemplate leaving them to this condition, or the return of this

country to a great waste extending from Cairo to the Gulf, in which there will be no production, across which there can be no transportation, leaving a few isolated cities or communities on high spots unconnected with the great economic structure of the country. Left undone, there would be no communication possible between the east and the west south of St. Louis. Two hundred and fifty million dollars will not cover the annual production of this area, according to agricultural reports. Are we to begrudge five hundred million to saving that annual production? This country, once made safe, will produce in revenues to the Federal Government through the ordinary channels of taxation many times the interest on this money. It will contribute to the national wealth many times the capital invested and it will stand as an engineering feat greater than any in the world.—*Extracts, see 5, p. 70.*

Sources from Which Material in This Number is Taken

Articles for which no source is given have been specially prepared for this number of The Congressional Digest

- 1—Report of Major General Edgar Jadwin, U. S. A., Chief of Engineers.
- 2—Special Report of Mississippi River Commission, Committee Document No. 1, House of Representatives, 70th Congress, First Session.
- 3—Press Statement from the office of Representative Frank R. Reid.
- 4—Hearings, House Committee on Flood Control, beginning November 7, 1927.
- 5—Report of Flood Control Committee, Chamber of Commerce of U. S.

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